FEDERAL REGISTER

Vol. 84 Tuesday,

No. 43 March 5, 2019

Pages 7793–7978

OFFICE OF THE FEDERAL REGISTER

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FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1248

RIN 2590–AA94

Uniform Mortgage-Backed Security

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA or Agency) is issuing a final rule to improve the liquidity of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises) To-Be-Announced (TBA) eligible mortgage-backed securities (MBS) by requiring the Enterprises to maintain policies that promote aligned investor cash flows for both current TBA-eligible MBS, and, upon its implementation, for the Uniform Mortgage-Backed Security (UMBS)—a common, fungible MBS that will be eligible for trading in the TBA market for fixed-rate mortgage loans backed by one-to-four unit (single-family) properties. The final rule codifies alignment requirements that FHFA implemented under the Fannie Mae and Freddie Mac conservatorships. The rule is integral to the successful transition to and ongoing fungibility of the UMBS. FHFA has announced that the Enterprises will begin issuing UMBS in place of their current TBA-eligible securities on June 3, 2019.

DATES: *This rule is effective:* May 6, 2019.

FOR FURTHER INFORMATION CONTACT: Robert Fishman, Deputy Director, Division of Conservatorship, (202) 649–3527, *Robert.Fishman@fhfa.gov,* or James P. Jordan, Associate General Counsel, Office of General Counsel, (202) 649–3075, *James.Jordan@fhfa.gov.* These are not toll-free numbers. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On September 17, 2018, FHFA published in the **Federal Register** and requested public comment on a Notice of Proposed Rulemaking (NPR or proposed rule) to improve the liquidity of the Enterprises' TBA MBS by requiring the Enterprises to maintain policies that promote aligned investor cash flows both for current TBA-eligible MBS, and, upon its implementation, for the UMBS—a common, fungible MBS that will be eligible for trading in the TBA market for fixed-rate mortgage loans backed by one-to-four unit (single-family) properties.

In response to FHFA's solicitation of comments, FHFA received 12 comment letters, the majority of which were supportive of the proposed rule and the UMBS initiative. FHFA carefully considered all comment letters and commenter recommendations. In some instances, FHFA accepted commenter recommendations in the formulation of the final rule. A discussion of FHFA's rationale follows below.

II. Summary of Comments and FHFA Responses

The NPR explained in some detail FHFA's basis for believing that establishing a unified TBA market for the MBS of both Enterprises would enhance mortgage market liquidity, with ultimate benefits for the nation as a whole.[1] While a minority of commenters disputed FHFA's conclusion, nothing in the comments received in response to the NPR undermined FHFA's basis for the rule.

One commenter argued that the UMBS would not promote liquidity because investors might ''move to stipulated trading . . . [p]rimarily because investors do not view Fannie and Freddie MBS as interchangeable,'' and that ''Fannie and Freddie MBS are materially different [because] they tend to have different 'prepayment' speeds,'' with Freddie Mac's prepayment speeds being higher. However, the principal purpose of the rule is to solve that problem by aligning Fannie Mae and Freddie Mac's prepayment speeds. Indeed, during conservatorship, and specifically as a result of the Single-Security Initiative, prepayment speeds already have moved substantially toward alignment.[2] That movement, reinforced by this rule, removes the primary obstacle to UMBS and to the additional liquidity in the mortgage market that it will create.

Pool Characteristics

Several commenters expressed concern that the proposed rule did not explicitly require alignment or monitoring of pool characteristics, and that this might cause misalignment of cash flows to investors as interest rates change. The Securities Industry and Financial Markets Association (SIFMA) suggested revisions to the definition of ''covered programs, policies, and practices'' to include reference to pool characteristics such as a pool's weighted average coupon (WAC) because pool characteristics affect prepayment incentives and the Enterprises have material influence over them through buy-up/buy-down ratios,[3] pooling decisions on their conduit production, and through discussions with seller/servicers. SIFMA also expressed

[1] *See* 83 FR 46889, 46892–93 (Sept. 17, 2018).

[2] Laurie Goodman and Jim Parrott, *A Progress Report on Fannie Mae and Freddie Mac's Move to a Single Security* (Urban Institute, August 2018), p. 5 & Figure 2, *available at: https://www.urban.org/sites/default/files/publication/98872/single_security_0.pdf.*

[3] MBS coupon rates are standardized by every half percentage (3.50%, 4.00%, 4.50%, and so on). The coupon rate on a MBS is the net of: (1) The mortgage rate paid by borrowers, minus; (2) the servicing fee retained by lenders, and minus; (3) the guarantee fee (g-fee) retained by the Enterprises. Since mortgage loan rates tend to be set every one-eighth of a percentage point, this formula often does not end in a net loan rate slotting into a half a percentage point. To match the net rate of the loan to an MBS coupon, lenders may need to adjust the ongoing g-fee retained by the Enterprises to fit the loan into a certain MBS coupon rate. To do so without changing the present value of the g-fee to the Enterprises or the lender, an upfront payment must be made. The lender may increase the ongoing g-fee (a buy-up) to fit the loan into a lower coupon MBS, in which case the Enterprise will make an upfront cash payment to the lender, or decrease the ongoing g-fee to fit the loan into a higher coupon MBS (a buy-down), in which case the lender will make an upfront cash payment to the Enterprise. The amount paid for a buy-up or buy-down will be calculated based on the Enterprises prevailing buy-up and buy-down ratios. The Enterprises quote prices for buy-ups and buy-downs in 100 basis point increments. As an example, a buy-up ratio of 5 would indicate that the price for increase of 100 basis points in the ongoing g-fee or buy-down of 100 basis points of in the ongoing g-fee would cost $5.00 per $100 of the loan's principal balance. Thus, for a buy-up or buy-down ratio of 5, 25 basis points of g-fee, and $100,000 loan, the payment would be $1,250 ($5.00 times 0.25 times 1,000).

concerns about whether the monitoring contemplated in the proposed rule would be sufficient to achieve enduring alignment of cash flows to investors. SIFMA commented that focusing on the alignment of prepayment rates alone could mask problems that might arise as economic conditions change, and argued that FHFA should monitor: Gross note rate (WAC); loan maturity (Weighted Average Maturity (WAM)); loan age (Weighted Average Loan Age (WALA)); credit score (FICO); loan-to-value (LTV) ratio; loan balance; loan purpose; originator mix; and geographic distribution. SIFMA contended that differences in any of these pool characteristics could drive significant differences in prepayment rates. With respect to WAC, SIFMA suggested three thresholds that should trigger remedial action. The first threshold would be a difference of 10 basis points between the corresponding worst-to-deliver cohorts of Fannie Mae and Freddie Mac TBA-eligible securities; the second would be a difference of 5 basis points for the total production; and the third threshold would be a 75 basis point cap on the difference between the WAC and the coupon on the MBS for any coupon cohort that comprises at least ten percent of an Enterprises' annual production.

FHFA agrees that pool characteristics influence cash flows to TBA-eligible MBS investors, and, therefore, FHFA considers pool characteristics already to be covered by the rule as proposed. FHFA also currently receives and monitors data on pool characteristics and servicer performance, and publishes quarterly *Prepayment Monitoring Reports (PMRs)* that include data on most of the pool characteristics enumerated by SIFMA. FHFA shares the view that the fungibility of UMBS would be enhanced by placing further restrictions on the pooling of individual loan note rates. To do so, FHFA, acting as conservator, has instructed the Enterprises to modify their pooling practices with respect to all fixed-rate products such that the rate on any mortgage in a pool backing a given security be not more than 112.5 basis points greater than the coupon on that security. In addition, the Enterprises are to limit the maximum servicing fee for each loan to no more than 50 basis points; the 50 basis point maximum servicing fee includes the standard 25 basis point servicing fee. Because these changes need to be coordinated with loan originators, they will not take effect until later in 2019. As is the case with other programs, policies, and practices that FHFA has required to be aligned during the conservatorships of the Enterprises, when the final rule becomes effective, the new loan note rate and servicing fee requirements will be a baseline from which any changes would be evaluated. In one of its early *Single Security Updates,* FHFA originally included note rate requirements for single-issuer and multiple-lender UMBS at no less than 25 basis points to no more than 250 basis points above the security pass-through rate.[4] FHFA believes the new tighter restrictions will serve to both align prepayment speeds across the TBA-eligible securities issued by the Enterprises and make that alignment more durable irrespective of interest rate changes. FHFA evaluated a number of potential restrictions, including those suggested by SIFMA, and believes this approach will be both effective and easier to operationalize and monitor than the alternatives.

Definition of Covered Programs, Policies, and Practices

Several commenters recommended expanding the list of covered programs, policies, and practices enumerated in the rule. JPMorgan Chase Bank recommended adding mortgage and loss mitigation products and practices, and servicing requirements including foreclosure requirements and timelines, advances, purchases out of pools, and remittances. SIFMA recommended aligning ''servicing policies and practices.'' PIMCO argued that maximum alignment would ''require selling guides for Fannie and Freddie to be uniform.'' The Mortgage Bankers Association (MBA) suggested leaving the rule's list of enumerated programs, policies, and practices open-ended by adding an introductory clause to the effect of ''include but are not limited to . . .'' or concluding the definition with language to the effect of ''and other factors that FHFA deems appropriate.''

FHFA does not believe that an exhaustive list of servicing or other activities that affect cash flows to investors is necessary because, to the extent the activities affect cash flows, they are covered already. However, the final rule does expand upon the explicitly enumerated programs, policies, and practices covered by the rule in § 1248.6(a). There the final rule reaffirms that programs, policies, and practices that affect cash flows to TBA investors that were aligned under conservatorship must remain aligned under the final rule, subject to the final rule's change management provisions. FHFA agrees that MBA's suggested revisions would reinforce the rule's flexibility and serve the rule's purpose. FHFA modified the definition of covered programs, policies, and practices in § 1248.1 to emphasize that its list of decisions and actions is not exclusive.

Definition of Alignment

Several commenters recommended modifying the definition of alignment to focus on cheapest-to-deliver cohorts. SIFMA reiterated its view that a year/issuer/coupon cohort is too broad. SIFMA stated that FHFA should ''at a minimum, implement a year/issuer/coupon standard that excludes specified pools . . . which could be defined as pools that trade at a premium to the Bloomberg/Barclays MBS index for the definition of alignment.'' SIFMA also recommended the use of the ''worst quartile of production for each GSE on a rolling three-month basis (comparing three 1-month CPR measures)'' and suggested a variable threshold that adjusted for the prepayment environment. Wellington Management Company also suggested ''the worst quintile.'' PIMCO suggested focusing the definition of alignment on the cheapest-to-deliver decile ''to make it more consistent with what drives pricing in the TBA market.'' Each of these commenters also suggested that specified pools should be excluded from the calculation. Both SIFMA and Wellington suggested averaging the worst one-month data on a rolling three-month basis. The Community Mortgage Lenders of America (CMLA) suggested using a three-month moving average of one-month conditional prepayment rates (CPRs)[5] ''to reduce the influence of random and otherwise non-systematic differences between the prepayment rates of two Enterprises and allow for more meaningful monitoring of relative prepayment speeds.''

FHFA agrees that the purposes of the rule will be better served by revising the definition of alignment to include a focus on pools that are least desirable to investors. Accordingly, the final rule broadens the definitions of alignment, misalignment, and material misalignment to include consideration of the fastest paying quartiles of a cohort. The fastest paying quartile of a cohort is defined as the quartile of a cohort that has the fastest prepayment

[4] *See An Update on the Structure of the Single Security (May 15, 2015), p. A–3, available at: https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Single%20Security%20Update%20final.pdf.*

[5] The CPR, also known as the constant prepayment rate, measures prepayments as a percentage of the outstanding principal balance of the pool of loans backing a MBS or cohort of those securities. The CPR is expressed as an annual rate.

speeds as measured by the three-month CPR and exclusive of specified pools.[6]

To avoid confusion, definitions of both the three-month CPR and specified pools have been added to § 1248.1. FHFA believes that the three-month CPR will capture the same prepayment patterns as a rolling average of one-month CPRs and will reduce operational burden.

Specified pools are defined in the final rule as those with a maximum loan size of $200,000, a minimum loan-to-value ratio at the time of loan origination of 80 percent, a maximum FICO score of 700, where all loans finance investor-owned properties, or where all loans finance properties in the states of New York or Texas or the Commonwealth of Puerto Rico. This definition is similar to but not the same as SIFMA's recommended definition and is based on industry practice.[7] FHFA believes that SIFMA's recommended definition would be more difficult to align to and unnecessarily increase regulatory burden on the Enterprises because the set of pools that trade at a premium to an MBS can change daily.

FHFA believes that SIFMA's proposal of a variable threshold would create a number of difficulties with respect to administration of the rule. Such difficulties would arise from the fact that at any given time different thresholds would apply to different cohorts. The rule's thresholds, however, may need to be adjusted to respond to changing market conditions on an exigent basis to maintain the liquidity of UMBS without the time that would be required for a typical rulemaking process.[8] To allow flexibility to respond to changing market practices or conditions, new § 1248.5(d) provides authority for FHFA to temporarily change the definitions of cohort or specified pools with public notice. If the changed definitions are in place for at least six months, FHFA will amend the definitions by **Federal Register** notice with the opportunity for public comment. Paragraph (d) of § 1248.5 provides that a temporarily adjusted definition will remain in effect for six months unless FHFA has already announced a reversion to the previously prevailing definition or initiates a notice and comment rulemaking process to permanently change a definition. In the latter case, the temporarily adjusted definition will remain in place until the conclusion of the notice and comment process. This paragraph parallels § 1248.5(c) concerning adjustment of the percentage thresholds in the definitions of align, misalignment, and material misalignment. Paragraph (c) of § 1248.5 has also been amended to clarify what would happen with respect to temporarily adjusted percentages at the end of six months, which was not explicitly stated in the proposed rule.

In conjunction with this change, FHFA has also changed the definition of alignment and misalignment to include a threshold for divergences between the three-month CPRs of the fastest paying quartiles of those cohorts (5 percentage points) in addition to the threshold in the proposed rule for divergences between the three-month CPRs of the corresponding cohorts of the Enterprises' TBA-eligible securities (2 percentage points). Similarly, FHFA has changed the definition of material misalignment to include thresholds for the CPR divergences between the fastest paying quartiles of those cohorts (8 percentage points in the three-month CPR) in addition to the threshold in the proposed rule for CPR divergences between corresponding cohorts of the Enterprises' TBA-eligible securities (3 percentage points in the three-month CPR). As suggested by commenters, FHFA has changed the timeframe of the thresholds from one month to three months. FHFA agrees with commenters that a three-month measure appropriately reduces the influence of random and otherwise non-systematic differences between Enterprise cohorts or fastest paying quartiles.

FHFA set the five and eight percentage point thresholds after analyzing the recent differences in three-month CPRs for the fastest paying quartiles of cohorts of the Enterprises' 30-year TBA-eligible MBS with coupons of 3, 3.5, 4, and 4.5 percent and loan-origination years between 2012 and 2018. Data for many coupon/origination-year cohorts for Enterprise 30-year TBA eligible securities showed that prepayment rates for the fastest paying quartiles were often, but not universally, well within the 5 percentage point CPR limit. For two cohorts, the eight percentage point limit was frequently exceeded, reflecting prior market interest rate and other conditions as well as differences between the Enterprises in pooling practices. For example, the cohort of securities backed by loans originated in 2016 and paying a 4 percent coupon has exceeded the eight percent threshold 17 times, most recently in November 2018. Given that no attempt had been made during this timeframe at aligning prepayments across the fastest paying cohorts, FHFA believes that the Enterprises will be able to attain alignment of the fastest paying cohorts within the percentage thresholds set in the rule.[9] Further, FHFA believes that those thresholds, when combined with the thresholds for larger, overall cohorts, should provide more consistency of cash flows to investors and further the purposes of the rule.

Ultimately, the appropriate thresholds are those that provide investors with sufficient confidence that they are willing to settle TBA trades with either Freddie Mac or Fannie Mae UMBS. Once the rule becomes effective, FHFA will apply these thresholds to all cohorts whose combined outstanding unpaid principal balances of securities issued by both Enterprises exceeds $10 billion, monitor alignment of covered programs, policies, and practices that could affect alignment of fastest paying quartiles and take appropriate actions to understand and remediate misalignments and to support fungibility. Further, FHFA retains the flexibility to adjust either set of thresholds on a temporary basis or permanently should market conditions warrant.

FHFA understands commenters' concerns about market functioning and the desirability of monitoring absolute performance. However, as discussed below, FHFA continues to believe that relative measures are appropriate, and that incorporating an absolute performance metric is both unnecessary and beyond the scope of the final rule.

Competition

Commenters were split as to the effect of the proposed rule and UMBS initiative on competition. PIMCO commented that ''Fannie has a larger market share with originators and more

[6] In a falling interest rate environment, faster prepayments are undesirable because MBS prices are often above par and prepayments are received at par. For example, an investor might buy an MBS with a price of $102 per $100 of principal outstanding. If the MBS is immediately prepaid, the investor will lose two cents per dollar of principal. In a rising interest rate environment, slower paying MBS will be undesirable as investors will be buying the securities at a discount and prepayments will still be received at par. Similarly, pools that trade on as specified rather than TBA may change with the interest rate environment. Therefore, FHFA has reserved the option in § 1248.5(d) to temporarily or permanently change the definitions of cohort, fastest paying quartile, and specified pools as market conditions or other factors change.

[7] *See,* for example, Bloomberg, Waterfall Spec Cohorts: Definitions and Syntax.

[8] *See* 5 U.S.C. 553(b)(3)(B).

[9] FHFA has previously published some of the options the Enterprises have for attaining alignment at the cohort level. The same or similar options may apply to aligning the fastest paying quartiles. *See An Update on the Single Security Initiative and the Common Securitization Platform* (December 2017), *available at: https://www.fhfa.gov/AboutUs/Reports/ReportDocuments/Update-on-the-Single-Security-Initiative-and-the-CSP_December-2017.pdf.*

investor-demand . . . because Fannie provides better, more tailored customer service and produces bonds with more desirable performance characteristics, not because Fannie has an embedded, structural advantage. Fannie and Freddie are competing on a level playing field, and Fannie is simply winning.'' The CMLA opined that consumers would be harmed if attractive and innovative program features cannot be offered to lenders by Fannie Mae and Freddie Mac as an outgrowth of the alignment requirement. Conversely, the National Association of Federally-Insured Credit Unions (NAFCU) commented that ''not only will the UMBS create competition within the GSEs with equalized pricing, but the reduced barriers to entry will encourage private financial institutions to again enter the market as they were prior to the financial recession.'' MBA commented that ''FHFA is correct to focus competition between the Enterprises on factors such as product offerings, technology, and customer service. These are the areas in which competition leads to innovation or better execution, which then produces more efficient markets and lower costs for borrowers. Simply put, the liquidity of their securities should not be a basis for competition between the Enterprises, and there is no compelling reason for Fannie Mae and Freddie Mac TBA-eligible securities to trade in separate markets.''

Several commenters supported the proposed *de minimis* exception to alignment requirements and affirmed that it would encourage innovation. Many of the same commenters suggested broadening the exception. The CMLA proposed ''that loans issued under new programs that could cause cash flow misalignment and thus be subject to the FHFA's scrutiny, as outlined in § 1248, be securitized as part of the [SIFMA good delivery guidelines] *de minimis* exemption normally utilized for 'super-conforming' loans. Under this proposal, 10 percent of any deliverable UMBS pool's balance might consist of both super-conforming loans and loans issued under new programs subject to FHFA scrutiny.''

FHFA distinguishes between the effects of this rule on competition between the Enterprises as sellers of TBA-eligible MBS to investors and as buyers of TBA-eligible mortgages from originators. The setting of any market standard can be a limit on competition in that market. Such limitations can create economic benefits if they lower the effects of market imperfections such as barriers to entry, asymmetric information, or excessive transactions costs. Where market standards create market efficiencies, they can also create positive spillover effects in related markets. With respect to TBA-eligible securities, standardization has special benefits because it enables the functioning of the TBA market, which not only lowers interest rates for borrowers, but also enables borrowers to lock in interest rates at the time of loan approval, well in advance of closing, and avoid interest-rate risks that individual borrowers are ill-equipped to manage. Therefore, the optimal balance between competition and standardization may be different in the TBA-eligible mortgage market than in markets for many other goods and services.

FHFA continues to believe that the creation of a uniform, common Enterprise MBS will improve overall execution in the TBA market and benefit participants in related markets. FHFA has consistently iterated its belief that consolidation of the Enterprise TBA markets coupled with general alignment of cash flows from cohorts of UMBS issued by each Enterprise should allow benefits to flow to mortgage borrowers. Such benefits stem from increased competition between the Enterprises to purchase mortgages from mortgage originators. At the same time, general alignment coupled with the *de minimis* exception in § 1248.8 should allow continuing innovation in the origination and servicing markets. To further address concerns about the rule's effect on innovation, FHFA has modified the definition of cohort to incorporate levels exceeding $10 billion in combined unpaid principal balance of TBA-eligible securities issued by both Enterprises. FHFA believes the final rule appropriately weighs the potential benefits and costs with respect to competition in these markets.

Competitive Behavior

Several commenters (SIFMA, Structured Finance Industry Group (SFIG), and PIMCO) expressed concern that the Enterprises would take actions that, notwithstanding the purposes of the rule's alignment requirements, would be detrimental to security quality. SIFMA emphasized in its comment letter the link between TBA pricing and mortgage rates paid by consumers. SIFMA's reasoning is that actions taken by one Enterprise that are adverse to investors (*e.g.,* actions that accelerate prepayments or incentivize churning of mortgages) will harm the UMBS value of not just the Enterprise that took the action, but also the value of the competing Enterprise's UMBS, since both Enterprises' UMBS will be deliverable into the same contracts. SFIG and PIMCO expressed similar concerns about a potential decrease in the quality of cheapest-to-deliver collateral. That is, the market forces that would punish an Enterprise for programs, policies, or practices that harm investors would be weakened and actions an Enterprise may not have taken when its securities traded in a separate market may now be more attractive because the damage to the value of both Enterprises' UMBS would be equal given that they both are deliverable into the same TBA contracts. In a countervailing comment, NAFCU commented that the reduced incentives for the Enterprises to create a dominant security could improve the market for certain first-mortgage loans that are currently less traded. Other commenters expressed concern that given the choice between two Enterprise programs, policies, and practices, the Enterprises may align to the less desirable program, policy, or practice from the perspective of investors, lenders, or consumers.

FHFA understands the concerns expressed by these commenters, and, has amended the rule to require FHFA to consider costs and benefits to investors, lenders, and mortgage borrowers as it reviews the Enterprises' covered programs, policies, and practices. Moreover, FHFA believes that strong market incentives exist for the Enterprises to avoid a potential decrease in the quality of cheapest-to-deliver collateral. Such incentives arise from lower market prices for lower quality securities and from the loss of market share associated with a reputation for not consistently acting with consideration toward investors. Lower security prices can both undermine an Enterprise's competitive position in purchasing loans from lenders and affect an Enterprise's profitability. These incentives survive even with a combined UMBS market because investors can conduct stipulated trades that restrict the issuer, the primary reason that commenter PIMCO gave for expressing skepticism about the success of the UMBS. While the cause PIMCO identified for such stipulated trading—misaligned prepayment speeds—is addressed by this rule, the risk of stipulated trading will continue to be a potent incentive for the Enterprises to maintain the quality of their securities. Potential competition also exists from lenders who choose to retain their mortgage production in their own portfolios and from private securitizations.

Market Adoption

Many commenters noted the importance of a smooth transition to UMBS and several suggested specific ways to improve the likelihood of a smooth transition. SIFMA noted the importance of FHFA finalizing the proposed rule. SFIG and PIMCO highlighted the importance of investors exchanging legacy Freddie Mac securities for UMBS to ensure liquidity in the new market. SFIG recommended that FHFA work with industry stakeholders and market participants to determine whether an inducement fee would be cost-effective in increasing investor exchanges. PIMCO recommended that FHFA consider a temporary and ''sufficiently large'' inducement fee to incentivize investors to exchange. SFIG also indicated that investors need more information on the tax consequences of the exchange and recommended that the Enterprises' work with the Internal Revenue Service (IRS) should continue. Comment letters from trade associations representing credit unions, community banks, and home builders emphasized the importance of the secondary mortgage market to their constituencies. The National Association of Home Builders (NAHB) urged FHFA and the Enterprises to continue and to enhance investor outreach.

FHFA agrees with SIFMA that it is important to finalize the rule in order to facilitate adoption of the UMBS by providing a higher level of market certainty. In addition, while many of the comments received, *e.g.,* requests to participate in advisory committees, are beyond the scope of the proposed rule, FHFA agrees with commenters about the value and critical nature of a smooth transition. FHFA has worked closely with the Enterprises, the Securities and Exchange Commission, and the IRS to create clarity for investors facing the decision to exchange legacy securities for UMBS. FHFA has worked with Freddie Mac to evaluate the desirability of an inducement fee related to that exchange and has made a determination that such a fee would not be necessary at this time. FHFA and the Enterprises have actively engaged in industry outreach to ensure all market participants are aware of and prepared for the transition to UMBS. FHFA's outreach efforts are described in FHFA *Updates on the Single Security Initiative and the Common Securitization Platform* [10] as well as on the Enterprises' Single Security web pages.[11]

Remedial Actions and Potential Remedies

Several commenters expressed concerns about the remedial actions that would be triggered under the proposed rule. SIFMA recommended that FHFA expand the enumerated menu of potential remedies in the rule to include a broad range of potential actions. SIFMA's list of potential actions FHFA could take or require an Enterprise to take includes the termination of a program, policy, or practice, the implementation of a comparable program, policy, or practice by the competing Enterprise, and levying of fines or other penalties, the repurchase of loans at market levels, and clarification of the investor claims process. SFIG requested that FHFA clarify how the required investigations would be conducted, by whom, and what the consequences of those investigations would be, including an explanation of remediation steps and how they would address misalignment or material misalignment. PIMCO focused on the need for a meaningful form of reimbursement for market participants when misalignment occurs. Wellington agreed with SIFMA that FHFA should have greater authority to enforce alignment and address prior misalignment, indicating that the proposed rule appears to limit FHFA authority to consultation and review without reference to enforcement. Wellington indicated that the final rule should describe the potential consequences to the Enterprises for material misalignment. MBA commented that the consequences of misalignment beyond the prescribed thresholds should be sufficiently potent to swiftly remediate divergences.

FHFA agrees that enumerating the potential actions FHFA may take to correct material misalignment in the regulatory text will enhance the likely effectiveness of the rule and has modified § 1248.7 accordingly. New § 1248.7(c) provides that FHFA, at its discretion, may require an Enterprise to take actions to remediate a significant misalignment, including the termination of a program, policy, or practice, or the implementation of a comparable program, policy, or practice by the competing Enterprise. Failure to align covered programs, policies, and practices would be a violation of the regulation (§ 1248.3) and, therefore, grounds for a formal enforcement action by FHFA. As is the case for failure to comply with any of FHFA's rules, FHFA's enforcement statute, 12 U.S.C. 4636, authorizes FHFA to impose civil money penalties on an Enterprise that fails to align programs, policies, or practices in accordance with the final rule.

FHFA has not incorporated into the rule any requirements for the Enterprises to take investor-facing actions as requested by SIFMA and PIMCO, as the Enterprises already have processes in place for investors to request compensation. Each Enterprise administers its own investor claims and compensation processes.[12]

Monitoring

In addition to SIFMA's comments on the desirability of monitoring WAC

[10] *See https://www.fhfa.gov/PolicyProgramsResearch/Policy/Pages/Securitization-Infrastructure.aspx.*

[11] *See http://fanniemae.com/portal/funding-the-market/single-security/index.html* and *http://www.freddiemac.com/mbs/single-security/.*

[12] The current investor claims process of each Enterprise is described below. These processes are generally subject to revision and may evolve, in particular, with changes related to the introduction of UMBS.

At Freddie Mac, claims are usually initiated by investors contacting its Investor Inquiry or Single Family Securitization Department with a question about the performance of one of its mortgage-related securities. For example, such a question could relate to the investor's perception of fast or aberrant prepayment behavior of, or possibly incorrect pooling related to, Freddie Mac mortgage-related securities. Depending on the findings of an internal inquiry and possible consultation with its counsel, Freddie Mac may determine that some form of compensation to the investor would be warranted. If that is the case, Freddie Mac will require that the investor substantiate its ownership of the affected security during the relevant time period. Depending on the nature and materiality of the facts, Freddie Mac may publicly disclose the facts so that other affected investors are aware of the issue and can establish any claims. Alternatively, Freddie Mac may itself discover the factual situation, which, under certain circumstances, may warrant compensation to certain affected mortgage-related securities holders. In such circumstances, Freddie Mac may publicly disclose the facts relating to the issue so that affected investors can contact Freddie Mac to establish a claim to compensation.

At Fannie Mae, a claims process is available to investors who believe they may have been financially harmed due to a unique incident or potential disclosure issue on a Fannie Mae-issued security. As part of the investor's submission, the investor must include the reason for the claim, evidence of ownership of the security, evidence of the price paid for the security, and calculations of the alleged damages and supporting analytics. Fannie Mae reviews the submission and determines if the circumstances were a result of normal business activity or instead were caused by an error. If the claim is determined to be a result of normal business activity, Fannie Mae will contact the investor and inform him or her of the findings. If the event is determined to be a result of an error, Fannie Mae will confirm ownership of the security at the time the event occurred, perform an independent assessment of the value of the claim, and contact the investor to determine an appropriate resolution. Once the investor and Fannie Mae have agreed on a resolution, both parties will sign an agreement form and Fannie Mae will execute the agreed upon resolution.

differences, SIFMA also commented that gaps in servicer performance between the Enterprises need to be monitored and investigated, and that FHFA should monitor overall performance in addition to relative performance. FHFA currently receives and monitors data that include information on servicer performance, and publishes that information in quarterly *PMRs.* FHFA understands the desirability of monitoring absolute performance of Enterprise TBA-eligible securities, but believes incorporating such a requirement into the final rule is both unnecessary and beyond the rule's scope. The CMLA commented that FHFA should monitor the prevalence of stipulated trades [13] in the TBA market in conjunction with its monitoring of prepayment speeds. FHFA believes that a requirement to undertake such monitoring is both unnecessary given current practices and beyond the scope of the final rule. FHFA monitors TBA activity using data collected by and obtained from the Financial Industry Regulatory Authority (FINRA).[14] That data, which must be reported by both broker-dealers and automated trading systems subject to FINRA regulation, contains information on stipulated trading activity. The Enterprises also monitor the TBA market.

In its comment letter, NAHB called on FHFA to institute a formal process to review ongoing prepayment behavior of UMBS. Echoing an earlier comment received from SIFMA,[15] NAHB suggested that such a process might take the form of a committee that meets quarterly or semi-annually and should include executives from FHFA, Fannie Mae, Freddie Mac, and select industry participants. NAFCU encouraged FHFA to include credit union professionals in the Single Security/Common Securitization Platform Industry Advisory Group.

FHFA understands the interest in transparency underlying these comments. FHFA currently is considering options to improve and maintain transparency with market participants, but does not believe that the final rule is the proper vehicle to institute a committee structure or establish a fixed list of participants.

Transparency

NAHB and MBA made a number of recommendations with respect to transparency. NAHB recommended that a process should be in place to notify market participants if a program is expected to affect prepayment speeds. NAHB argued that such transparency would assure market participants that if issues arise that appear to cause prepayment speed differences they will be addressed quickly. NAHB also recommended that FHFA establish new product implementation guidelines that emphasize transparency and include an opportunity for feedback by market participants when a product or program has the potential to impact prepayment speeds. As discussed previously, NAHB also recommended that FHFA implement a formal process to review ongoing prepayment behavior of the UMBS.

Currently, significant changes to Enterprise programs, policies, and practices are announced through their websites, usually in advance of their effective dates to allow sellers, servicers, and other market participants to make any necessary adjustments related to such changes, and FHFA believes the current practices are adequate to address NAHB's concern. The development of new product implementation guidelines, however, is beyond the scope of the final rule.

The MBA comment letter contained two specific recommendations to increase transparency in FHFA oversight. First, MBA recommended that FHFA provide public notice (but not request comment) at the time of any adjustments to the thresholds defining acceptable divergences in prepayment speeds per § 1248.5. Second, MBA recommended that the final rule require FHFA to publish quarterly *PMRs* similar to those that it currently publishes on a voluntary basis.

FHFA is committed to transparency in its regulatory activities. FHFA intends to publicly announce any changes to § 1248.5 thresholds at the time of any temporary or permanent changes. FHFA has revised § 1248.5(c) to require a contemporaneous public announcement of any temporary change to the thresholds. FHFA also intends to continue to produce quarterly *PMRs,* but FHFA believes that incorporating a requirement that it continue to publish periodic *PMRs* is beyond the scope of the final rule, which is focused primarily on the continued alignment of Enterprise programs, policies, and practices that foreseeably affect cash flows to investors.

Potential Adverse Effects

Several commenters focused on potential adverse effects of the move to UMBS. The CMLA noted that FHFA might need to consider whether a return to conservatorship by one Enterprise means that the other must also undergo a change in its legal status, including being placed in conservatorship, in order to avoid fragmentation of the UMBS TBA market due to credit considerations. FHFA believes the conservatorship issue is beyond the scope of the final rule. Some commenters (PIMCO, CMLA) expressed concern that stipulated trades could fragment the TBA market and undermine the potential liquidity gains from market consolidation. Some commenters (CMLA, Independent Community Bankers of America (ICBA)) also expressed concern that the alignment or remediation required under the rule could curtail or prevent the development of programs, policies, and practices that were beneficial to lenders and consumers. ICBA questioned whether standardizing remittance cash flows would benefit homeowners, arguing that any benefit would accrue mostly to larger servicers and that any benefit to MBS investors would be bid into the price of the securities.

FHFA recognizes the concerns about market fragmentation; in fact, they are an important impetus for promulgating the final rule. FHFA also shares concerns about inhibiting innovations that benefit consumers and other market participants. Section 1248.8 provides for a *de minimis* exception to foster such innovations. Sections 1248.3 and 1248.7 also have been amended to require the Enterprises and FHFA to consider both the effect of policies, programs, and practices on the pricing of TBA-eligible securities and the costs and benefits to investors, lenders, and mortgage borrowers.

III. Regulatory Impact

A. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), FHFA may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. FHFA has reviewed this final rule and determined that it does not contain any new, or revise any existing, collections of information.

[13] Stipulated trades are TBA trades in which the buyer stipulates additional characteristics that pools delivered by the seller must meet in order to settle the trade.

[14] FINRA developed the Trade Reporting and Compliance Engine (TRACE) system in 2002 to increase transparency in the bond market by requiring FINRA-registered broker-dealers to report data on the size and price of covered transactions. FINRA extended reporting requirements to MBS transactions in May 2011.

[15] *See https://www.sifma.org/wp-content/uploads/2018/07/Single-Security-%E2%80%93-Priority-Issues-to-be-resolved-before-launch.pdf.*

B. Regulatory Flexibility Act

The General Counsel of FHFA certifies that this final rule will not have a significant economic impact on a substantial number of small entities because the regulation applies only to the Enterprises, which are not small entities for purposes of the Regulatory Flexibility Act.

C. Congressional Review Act

In accordance with the Congressional Review Act,[16] FHFA has determined that this final rule is a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the OMB.

IV. Statutory Authority

A. Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act)

The Safety and Soundness Act provides that a principal duty of the FHFA Director is ''to ensure that . . . the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets.'' [17] The Safety and Soundness Act also provides that the FHFA Director ''shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under 12 U.S.C. 4513, to ensure that the purposes of [the] Act, the authorizing statutes [including the Federal National Mortgage Association Charter Act (*Charter Act*); and the Federal Home Loan Mortgage Corporation Act (*Corporation Act*)], and any other applicable law are carried out.'' [18]

B. Fannie Mae Charter Act

Among other purposes, the *Charter Act* requires Fannie Mae to ''promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by *increasing the liquidity of mortgage investments and improving the distribution of investment capital* available for residential mortgage financing.'' [19]

C. Freddie Mac Corporation Act

Similarly, the *Corporation Act* requires Freddie Mac ''to promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by *increasing the liquidity of mortgage investments and improving the distribution of investment capital available* for residential mortgage financing.'' [20]

As more fully explained in the NPR, FHFA has determined that the UMBS will enhance liquidity in national mortgage markets and that general alignment of Enterprise programs, policies, and practices that affect cash flows to TBA-eligible MBS investors is necessary for the UMBS to achieve market acceptance. Moreover, FHFA has determined that the final rule is authorized both under the FHFA Director's duty to ensure that the operations and activities of Fannie Mae and Freddie Mac foster liquid, efficient, competitive, and resilient national housing finance markets, and the FHFA Director's duty to ensure that Fannie Mae and Freddie Mac fulfill the purposes of the *Charter Act* and *Corporation Act,* which include increasing the liquidity of mortgage investments.

List of Subjects in 12 CFR Part 1248

Credit, Government securities, Investments, Mortgages, Recordkeeping and reporting requirements, Securities.

■ Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION**, and under the authority of 12 U.S.C. 4526, FHFA amends subchapter C of chapter XII of Title 12 of the Code of Federal Regulations by adding new part 1248 to read as follows:

PART 1248—UNIFORM MORTGAGE-BACKED SECURITIES

Sec.

1248.1 Definitions.
1248.2 Purpose.
1248.3 General alignment.
1248.4 Enterprise consultation.
1248.5 Misalignment.
1248.6 Covered programs, policies, and practices.
1248.7 Remedial actions.
1248.8 *De minimis* exception.

Authority: 12 U.S.C. 1451 note; 1716; 4511; and 4526.

§ 1248.1 Definitions.

The definitions below are used to define terms for purposes of this part:

Align or alignment means to cause to be sufficiently similar, or have sufficient similarity, as to produce a conditional prepayment rate (CPR) divergence of less than 2 percentage points in the three-month CPR for a cohort, and less than 5 percentage points in the three-month CPR for a the fastest paying quartile of a cohort (or less than the prevailing percentage thresholds for alignment set by FHFA, per § 1248.5(c)).

Cohort means all TBA-eligible securities with the same coupon, maturity, and loan-origination year where the combined unpaid principal balance of such securities issued by both Enterprises exceeds $10 billion.

Conditional Prepayment Rate or CPR, also known as the constant prepayment rate, means the rate at which investors receive outstanding principal in advance of scheduled principal payments. This includes receipts of principal that result from borrower prepayments and for any other reason. The CPR is expressed as a compound annual rate.

Covered Programs, Policies, or Practices means management decisions or actions that have reasonably foreseeable effects on cash flows to TBA-eligible MBS investors (*e.g.,* effects that result from prepayment rates and the circumstances under which mortgage loans are removed from MBS). These generally include management decisions or actions about: Single-family guarantee fees; loan level price adjustments and delivery fee portions of single-family guarantee fees; the spread between the note rate on the mortgage and the pass-through coupon on the TBA-eligible MBS; eligibility standards for sellers and servicers; financial and operational standards for private mortgage insurers; requirements related to the servicing of distressed loans that collateralize TBA-eligible securities; streamlined modification and refinance programs; removal of mortgage loans from securities; servicer compensation; proposals that could materially change the credit risk profile of the single-family mortgages securitized by an Enterprise; selling guide requirements for documenting creditworthiness, ability to repay, and adherence to collateral standards; refinances of HARP-eligible loans; contract provisions under which certain sellers commit to sell to an Enterprise a minimum share of the mortgage loans they originate that are eligible for sale to the Enterprises; loan modification offerings; loss mitigation practices during disasters; alternatives to repurchase for representation and warranty violations; and other actions.

Fastest paying quartile of a cohort means the quartile of a cohort that has the fastest prepayment speeds as measured by the three-month CPR. The quartiles shall be determined by ranking outstanding TBA-eligible securities with the same coupon, maturity, and loan-origination year by the three-month CPR, excluding *specified pools,* and dividing each cohort into four parts

[16] *See* 5 U.S.C. 804(2).

[17] 12 U.S.C. 4513(a)(1)(B)(ii).

[18] 12 U.S.C. 4511(b)(2).

[19] 12 U.S.C. 1716(4) (emphasis added).

[20] Section 301(b)(4) (12 U.S.C. 1451 note) (emphasis added).

such that the total unpaid principal balance of the pools included in each part is equal.

Material misalignment means divergence of at least 3 percentage points in the three-month CPR for a cohort or at least 8 percentage points in the three-month CPR for a fastest paying quartile of a cohort, or a prolonged misalignment (as determined by FHFA), or divergence greater than either of the corresponding prevailing percentage thresholds set by FHFA, per § 1248.5(c).

Misalign or misalignment means to diverge by, or a divergence of, 2 percentage points or more, in the three-month CPR for a cohort or 5 percentage points or more, in the three-month CPR for a fastest paying quartile of a cohort (or more than either of the corresponding prevailing percentage thresholds set by FHFA, per § 1248.5(c)).

Mortgage-backed security or MBS means securities collateralized by a pool or pools of single-family mortgages.

Specified pools means pools of mortgages backing TBA-eligible MBS that have a maximum loan size of $200,000, a minimum loan-to-value ratio at the time of loan origination of 80 percent, or a maximum FICO score of 700, or where all mortgages in the pool finance investor-owned properties or properties in the states of New York or Texas or the Commonwealth of Puerto Rico.

Supers means single-class re-securitizations of UMBS.

Three-month conditional prepayment rate (CPR3) means the annualized measure of prepayments for a three month interval calculated as follows:

$$CPR3_t = 1 - ((1 - SMM_{t-2}) * (1 - SMM_{t-1}) * (1 - SMM_t))^4,$$

where t indicates the month and SMM is the single month mortality rate, which equals $(PMT_t - I_t - P_t)/(UPB_t - P_t)$, where PMT_t is the actual payments received in the month, I_t is the scheduled payments of interest, P_t is the scheduled payments of principal, and UPB_t is the beginning unpaid principal balance.

To-Be-Announced Eligible Mortgage-Backed Security (TBA-Eligible MBS) means Enterprise MBS (including Freddie Mac Participation Certificates, Giants, MBS, UMBS, and Supers; and Fannie Mae MBS, Megas, UMBS, and Supers) that meet criteria such that the market considers them sufficiently fungible to be forward traded in the TBA market.

Uniform Mortgage Backed Security or UMBS means a single-class MBS backed by fixed-rate mortgage loans on one-to-four unit (single-family) properties issued by either Enterprise which has the same characteristics (such as payment delay, pooling prefixes, and minimum pool submission amounts) regardless of which Enterprise is the issuer.

§ 1248.2 Purpose.

The purpose of this part is to:

(a) Enhance liquidity in the MBS marketplace, and to that end, enable adoption of the UMBS, by achieving sufficient similarity of cash flows on cohorts of TBA-eligible MBS such that investors will accept delivery of UMBS from either issuer in settlement of trades on the TBA market.

(b) Provide transparency and durability into the process for creating alignment.

§ 1248.3 General alignment.

Each Enterprise's covered programs, policies, and practices must align with the other Enterprise's covered programs, policies, and practices.

(a) When aligning covered programs, policies, and practices, the Enterprises must consider:

(1) The effect of the alignment on TBA-eligible securities' pricing and particularly on the prepayment speeds of mortgages underlying TBA-eligible MBS.

(2) Options that provide the greatest benefit for investors, lenders, and mortgage borrowers.

(b) [Reserved]

§ 1248.4 Enterprise consultation.

When and in the manner instructed by FHFA, the Enterprises shall consult with each other on any issues, including changes to covered programs, policies, and practices that potentially or actually cause cash flows to TBA-eligible MBS investors to misalign. The Enterprises shall report to FHFA on the results of any such consultation.

§ 1248.5 Misalignment.

(a) The Enterprises must report any misalignment to FHFA.

(b) The Enterprises must submit, in a timely manner, a written report to FHFA on any material misalignment describing, at a minimum, the likely cause of material misalignment and the Enterprises' plan to address the material misalignment.

(c) FHFA will *temporarily* adjust the percentages in the definitions of align, misalignment, and material misalignment, if FHFA determines that market conditions dictate that an adjustment is appropriate.

(1) In adjusting the percentages, FHFA will consider:

(i) The prevailing level and volatility of interest rates;

(ii) The level of credit risk embedded in the Enterprises' TBA-eligible MBS; and

(iii) Such other factors as FHFA may, in consultation with the Enterprises, determine to be appropriate to promote market confidence in the alignment of cash flows to TBA-eligible MBS investors and to foster the efficiency and liquidity of the secondary mortgage market.

(2) FHFA will publicly announce any temporary adjustment to the percentages in the definition of align, misalignment, and material misalignment in a timely manner.

(3) If adjusted percentages remain in effect for six months or more, FHFA will amend this part's definitions by **Federal Register** Notice, with opportunity for public comment.

(4) Temporarily adjusted percentages will remain in effect until six months after the date on which FHFA announced the temporary adjustment unless within six months of that date—

(i) FHFA announces a reversion to the previously prevailing percentages; or

(ii) FHFA initiates the notice and comment process, in which case the temporary percentages will remain in effect until the conclusion of that process.

(d) FHFA will *temporarily* adjust the definitions of cohort, fastest paying quartile of a cohort, and specified pools, if FHFA determines that changes in market practices or conditions dictate that an adjustment is appropriate.

(1) In adjusting those definitions, FHFA will consider:

(i) Changes in prevailing market practices related to the identification of specified pools;

(ii) The prevailing interest rates environment;

(iii) Observed relationships between pool characteristics and prepayment behavior of the Enterprises' TBA-eligible MBS; and

(iv) Such other factors as FHFA may, in consultation with the Enterprises, determine to be appropriate to promote market confidence in the alignment of cash flows to TBA-eligible MBS investors and to foster the efficiency and liquidity of the secondary mortgage market.

(2) FHFA will publicly announce any temporary adjustment to the definitions of cohort and specified pools in a timely manner.

(3) If adjusted definitions remain in effect for six months or more, FHFA will amend this part's definitions by **Federal Register** Notice, with opportunity for public comment.

(4) Temporarily adjusted definitions will remain in place until six months

after the date on which FHFA announced the temporary adjustment unless within six months of that date—

(i) FHFA announces a reversion to the previously prevailing definitions; or

(ii) FHFA initiates the notice and comment process, in which case the temporary definitions will remain in effect until the conclusion of that process.

§ 1248.6 Covered programs, policies, and practices.

(a) *Enterprise Change Management Processes.* Each Enterprise must establish and maintain an Enterprise-wide governance process to ensure that any proposed changes to covered programs, policies, and practices that may cause misalignment are identified, reviewed, escalated, and submitted, in writing, to FHFA for review and approval in a timely manner, including proposed changes to covered programs, policies, and practices that were previously aligned at the direction of FHFA as conservator.

(1) Submissions to FHFA must include projections for prepayment rates and for removals of delinquent loans under a range of interest rate environments and assumptions concerning borrower defaults.

(2) Submissions to FHFA must include an analysis of the impact on borrowers and impact on the fastest paying quartile of each cohort.

(3) Submissions to FHFA must include an analysis of identified risks and may include potential mitigating actions.

(b) *Enterprise Monitoring.* Any changes to covered programs, policies, and practices that an Enterprise reasonably should identify as having been a likely cause of an unanticipated divergence between Enterprises in the three-month CPR of the same cohort shall be reported promptly to FHFA in writing.

(c) *FHFA Monitoring.* FHFA will monitor changes to covered programs, policies, and practices for effects on cash flows to TBA-eligible MBS investors.

§ 1248.7 Remedial actions.

(a) Based on its review of reports submitted by the Enterprises and reports issued by independent parties, if FHFA determines that there is misalignment, or the risk of misalignment, FHFA may:

(1) Require an Enterprise to undertake additional analysis, monitoring, or reporting to further the purposes of this part.

(2) Require an Enterprise to change covered programs, policies, and practices that FHFA determines conflict with the purposes of this part.

(b) To address material misalignment, FHFA may require additional and expedient Enterprise actions based on:

(1) Consultation with the Enterprises regarding the cause of the material misalignment;

(2) Review of Enterprise compliance with previously agreed upon or FHFA-required actions; and

(3) Review of the effectiveness of such actions to determine whether they are achieving the purpose of this part.

(c) Depending on the severity and cause of any material misalignment, FHFA, in its discretion, may:

(1) Require an Enterprise to terminate a program, policy, or practice; or

(2) Require the competing Enterprise to implement a comparable program, policy, or practice.

(d) When requiring an Enterprise to terminate a program, policy, or practice, or implement a comparable program, policy, or practice, FHFA will consider:

(1) The effect on TBA-eligible securities pricing and particularly on the prepayment speeds of mortgages underlying TBA-eligible MBS; and

(2) The costs borne by and the benefits likely to accrue to investors, lenders, and mortgage borrowers.

§ 1248.8 *De minimis* exception.

FHFA may exclude from the requirements of this part covered programs, policies, or practices of an Enterprise as long as those covered programs, policies, or practices do not affect more than $5 billion in unpaid principal balance of that Enterprises' TBA-eligible MBS.

Dated: February 28, 2019.

Joseph M. Otting,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2019–03934 Filed 3–4–19; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0115; Product Identifier 2019–NM–024–AD; Amendment 39–19579; AD 2019–03–27]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model Falcon 10 airplanes. This AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process. This AD requires repetitive detailed inspections of certain wing anti-ice outboard flexible hoses, and replacement of certain wing anti-ice outboard flexible hoses, as specified in an European Aviation Safety Agency (EASA) Emergency AD, which is incorporated by reference. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective March 8, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 8, 2019.

We must receive comments on this AD by April 19, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the incorporation by reference (IBR) material described in the ''Related IBR Material Under 1 CFR part 51'' section in **SUPPLEMENTARY INFORMATION**, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *http://www.regulations.gov.*

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–

0115; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2019–0040–E, dated February 21, 2019 (''EASA Emergency AD 2019–0040–E'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model Falcon 10 airplanes. The MCAI states:

> Occurrences were reported, involving Falcon 10 aeroplanes, where wing anti-ice outboard flexible hoses P/N [part number] 115S018A315 were found damaged. Investigation shows that those damages are most likely due to the installation process.
>
> This condition, if not corrected, could lead to a loss of performance of the wing anti-ice protection system not annunciated to the pilot, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Dassault published the SB [Alert Service Bulletin F10–338] to provide inspection instructions.
>
> For the reason described above, this [EASA] AD requires a one-time inspection of the wing anti-ice outboard flexible hoses and, depending on findings, further inspection(s) or replacement. This [EASA] AD also provides instructions for installation of an affected part on an aeroplane.

Related IBR Material Under 1 CFR Part 51

EASA Emergency AD 2019–0040–E describes procedures for repetitive detailed inspections for damage of wing anti-ice outboard flexible hoses having P/N 115S018A315, and replacement of affected wing anti-ice outboard flexible hoses. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section, and it is publicly available through the EASA website.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in EASA Emergency AD 2019–0040–E described previously, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA worked with EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. As a result, EASA Emergency AD 2019–0040–E is incorporated by reference in the FAA final rule. This AD, therefore, requires compliance with the provisions specified in EASA Emergency AD 2019–0040–E, except for any differences identified as exceptions in the regulatory text of this AD. Service information specified in EASA Emergency AD 2019–0040–E that is required for compliance with EASA Emergency AD 2019–0040–E is available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0115.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because damaged wing anti-ice outboard flexible hoses could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0115; Product Identifier 2019–NM–024–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 54 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
9 work-hours × $85 per hour = $765	$0	$765	$41,310

We estimate the following costs to do any necessary on-condition action that would be required based on the results of any required actions. We have no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
9 work-hours × $85 per hour = $765	$317	$1,082

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2019–03–27 Dassault Aviation: Amendment 39–19579; Docket No. FAA–2019–0115; Product Identifier 2019–NM–024–AD.

(a) Effective Date

This AD becomes effective March 8, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Dassault Aviation Model Falcon 10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.

(e) Reason

This AD was prompted by a report indicating that certain wing anti-ice outboard flexible hoses were found damaged, likely resulting from the installation process. We are issuing this AD to address damaged wing anti-ice outboard flexible hoses, which could lead to a loss of performance of the wing anti-ice protection system that is not annunciated to the pilot, and could result in reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (EASA) Emergency AD 2019–0040–E, dated February 21, 2019 (''EASA Emergency AD 2019–0040–E'').

(h) Exceptions to EASA Emergency AD 2019–0040–E

(1) For purposes of determining compliance with the requirements of this AD: Where EASA Emergency AD 2019–0040–E refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA Emergency AD 2019–0040–E does not apply to this AD.

(3) Where EASA Emergency AD 2019–0040–E refers to paragraph (4) of EASA AD 2017–0108 for applicable life limits, for this AD refer to FAA AD 2016–19–07, Amendment 39–18656 (81 FR 63688, September 16, 2016).

(i) No Reporting Requirement

Although the service information referenced in EASA Emergency AD 2019–0040–E specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Section,

Transport Standards Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* For any service information referenced in EASA Emergency AD 2019–0040–E that contains RC procedures and tests: Except as required by paragraph (j)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Aviation Safety Agency (EASA) Emergency AD 2019–0040–E, dated February 21, 2019.

(ii) [Reserved]

(3) For EASA Emergency AD 2019–0040–E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA Emergency AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this EASA Emergency AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. EASA Emergency AD 2019–0040–E may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0115.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on February 25, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03723 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0957; Product Identifier 2018–NM–102–AD; Amendment 39–19570; AD 2019–03–18]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes. This AD was prompted by reports of cracks that were found after improperly performed magnetic particle inspections of the main landing gear (MLG) sliding tubes were done. This AD requires repetitive general visual inspections of the affected MLG sliding tubes for cracks and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 9, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 9, 2019.

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0957.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0957; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes. The NPRM published in the **Federal Register** on November 8, 2018 (83 FR 55833). The NPRM was prompted by reports of cracks that were found after improperly performed magnetic particle inspections of the MLG sliding tubes were done. The NPRM proposed to require repetitive general visual inspections of the affected MLG sliding tubes for cracks and replacement if necessary.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0136, dated June 26, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes. The MCAI states:

> During a walk-around inspection, prior to aeroplane dispatch, an A320 MLG was found collapsed. Investigation revealed that, following a magnetic particle inspection of the MLG sliding tube, performed improperly during overhaul, cracks were initiated, eventually leading to fatigue fracture. A limited number of MLG sliding tubes have been identified that may have been subject to the same improper inspection during the last overhaul.
>
> This condition, if not detected and corrected, could lead to MLG sliding tube fracture, possibly resulting in MLG collapse,

damage to the aeroplane, and injury to occupants.

To address this potential unsafe condition, Airbus issued the SB [Service Bulletin A320–32–1461], providing instructions for repetitive general visual inspections (GVI) of the affected parts until next overhaul.

For the reasons described above, this [EASA] AD requires repetitive GVI of the affected parts [for cracks] and, depending on findings, replacement.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0957.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comments received.

Support for the NPRM

Air Line Pilots Association, International (ALPA) stated that it supports the NPRM. Another commenter, Kolby Brown, indicated support for the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–32–1461, dated April 11, 2018. This service information describes procedures for repetitive general visual inspections of affected MLG sliding tubes for cracks and replacement of affected MLG sliding tubes. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 817 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 2 work-hours × $85 per hour = $170	$0	Up to $170	Up to $138,890.

* Table does not include estimated costs for reporting.

We estimate that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of reporting the inspection results on U.S. operators to be $9,945, or $85 per product.

We estimate the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. We have no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
19 work-hours × $85 per hour = $1,615	$185	$1,800

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on

the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2019–03–18 Airbus SAS: Amendment 39–19570; Docket No. FAA–2018–0957; Product Identifier 2018–NM–102–AD.

(a) Effective Date

This AD is effective April 9, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; and Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Reason

This AD was prompted by reports of cracks that were found after improperly performed magnetic particle inspections of the main landing gear (MLG) sliding tubes were done. We are issuing this AD to address this condition, which could result in fracture of the MLG sliding tube, possibly resulting in MLG collapse, damage to the airplane, and injury to occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Definitions

For the purposes of this AD, the definitions specified in paragraphs (g)(1) and (g)(2) of this AD apply.

(1) An affected part is any MLG sliding tube, having a part number (P/N) and serial number (S/N) listed in Figure 1 to paragraph (g)(1) of this AD, that has been last overhauled between October 27, 2003, and September 21, 2009, inclusive.

Figure 1 to paragraph (g)(1) of this AD – *Affected parts: P/N and S/N*

Part number	Serial number	Part number	Serial number	Part number	Serial number
201160302	1071	201371302	B198-4649	201371304	B0544888
201160302	1116B	201371302	B274-4849	201371304	B0751922
201160302	73B	201371302	B225-4715	201371304	B1392028
201160302	1309B	201371302	B228-4755	201371304	B1655066
201160302	1024B	201371302	1801B	201371304	B1025007
201160302	64B	201371302	4441B	201371304	B994937
201160324	B2414670	201371302	B197-4656	201371304	B019-05
201160324	B013-4846	201371302	B210-4687	201371304	B1261991
201160324	B235-4749	201371302	B227-4697	201371304	B123-4994
201160324	1321B	201371302	SS4353B	201371304	B0334860
201160324	MAL1161	201371302	SS4375	201371304	B0234843
201160324	1057	201371304	B168-1948	201371304	B0364875
201160324	MAL-1315	201371304	B951935	201371304	B042-1899
201160324	12088	201371304	B003-4830	201371304	B554896
201160324	1693B	201371304	B005-4815	201371304	B0474885
201371302	B2584800	201371304	B006-4819	201371304	B0494851
201371302	B210-4684	201371304	B0181916	201371304	B0924936
201371302	B196-1879	201371304	B0211889	201371304	B1064967
201371302	B241-4668	201371304	B0311902	201371304	B1054968
201371302	B264-4787	201371304	B026-1895	201371304	B1081962
201371302	B265-4808	201371304	B029-1904	201371304	B013-4845
201371302	B2564777	201371304	B006-4829	201371304	B0374865
201371302	B2704816	201371304	B0281900	201371304	B1194983
201371302	B196-1880	201371304	B0254853	201371304	B4675255
201371302	B2714811	201371304	B0271893	201371304	B1111974
201371302	B229-4729	201371304	B0321906		
201371302	B261-4810	201371304	B003-4821		
201371302	B2724797	201371304	B009-4818		

(2) Group 1 airplanes are those that have an affected part installed. Group 2 airplanes are those that do not have an affected part installed.

(h) Repetitive Inspections

For Group 1 airplanes: Within 500 flight cycles after the effective date of this AD, and, thereafter, at intervals not to exceed 500 flight cycles, accomplish a general visual inspection for cracks of each affected part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1461, dated April 11, 2018.

(i) Corrective Action

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, replace the affected part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1461, dated April 11, 2018.

(j) Terminating Action for Certain Actions Required by Paragraph (h) of This AD

Accomplishment of an overhaul of an affected part after September 21, 2009, constitutes terminating action for the repetitive general visual inspections required by paragraph (h) of this AD for that affected part.

(k) Reporting

Submit a report of findings (both positive and negative) of the inspections specified in paragraph (h) of this AD to Airbus, in accordance with Airbus Service Bulletin A320–32–1461, dated April 11, 2018, at the applicable time specified in paragraph (k)(1) or (k)(2) of this AD. If operators have reported findings as part of obtaining any corrective actions approved by Airbus SAS's European Aviation Safety Agency (EASA) Design Organization Approval (DOA), operators are not required to report those findings as specified in this paragraph.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(l) Exception to Paragraphs (h) and (i) of This AD

An airplane embodying Airbus Modification 161202 (Evolution (EV) MLG) is not affected by the requirements of paragraphs (h) and (i) of this AD, provided it is determined that no affected parts are installed on that airplane. A review of airplane delivery and/or maintenance records is acceptable to make this determination, provided those records can be relied upon for that purpose and the part number and serial number of the MLG sliding tube can be positively identified from that review.

(m) Parts Installation

(1) For Group 1 airplanes: From the effective date of this AD, it is allowed to install on any airplane an affected part, or an MLG equipped with an affected part, provided that, within the last 500 flight cycles before installation, the part passed an inspection specified in paragraph (h) of this AD, and that, following installation, the part is inspected as required by this AD.

(2) For Group 2 airplanes: From the effective date of this AD, do not install on any airplane an affected part.

(n) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (o)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by The Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0136, dated June 26, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0957.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

(p) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A320–32–1461, dated April 11, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on February 14, 2019.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03414 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0347; Airspace Docket No. 17–AAL–3]

RIN 2120–AA66

Modification of Class E Airspace for the Following Alaska Towns; Hooper Bay, AK; Kaltag, AK; King Salmon, AK; Kodiak, AK; Manokotak, AK; and Middleton Island, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 1,200 feet above the surface at Hooper Bay Airport, AK; Kaltag Airport, AK; King Salmon Airport, AK; Kodiak Airport, AK; Manokotak Airport, AK; and Middleton Island Airport, AK. This action adds exclusionary language to the legal descriptions of these airports to exclude Class E airspace extending beyond 12 miles from the shoreline and ensures the safety and management of aircraft within the National Airspace System. Also, an editorial change is made in the airspace designation for King Salmon Airport. This action also corrects an error in the coordinates of Kodiak Airport and the Middleton Island VOR/DME.

DATES: Effective 0901 UTC, June 20, 2019. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For

information on the availability of this material at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Bonnie Malgarini, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–2329.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace extending upward from 1,200 feet above the surface at Kaltag Airport, AK, King Salmon Airport, AK, Kodiak Airport, AK, Manokotak Airport, AK, Middleton Island Airport, AK, and Hooper Bay Airport, AK, to support IFR operations in standard instrument approach and departure procedures at these airports.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (83 FR 64491; December 17, 2018) for Docket No. FAA–2017–0347 to modify Class E Airspace for the following Alaska Towns: Hooper Bay, AK; Kaltag, AK; King Salmon, AK; Kodiak, AK; Manokotak, AK; and Middleton Island, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, typographical error were discovered in the coordinates of the Kodiak Airport and the Middleton Island VOR/DME. The latitude coordinate of ''lat. 57°45′00″ N'' for Kodiak Airport is amended to ''lat. 57°44′59″ N'' and the latitude coordinate of ''lat. 59°25′19″ N'' for Middleton Island VOR/DME is amended to ''lat. 59°25′18″ N'' to correct the errors.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 1,200 feet above the surface at Hooper Bay Airport, AK; Kaltag Airport, AK; King Salmon Airport, AK; Kodiak Airport, AK; Manokotak Airport, AK; and Middleton Island Airport, AK. This action adds language to the legal descriptions of these airports that reads ''excluding that airspace that extends beyond 12 miles from the shoreline.''

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Hooper Bay, AK [Amended]

Hooper Bay Airport, AK
(Lat. 61°31′26″ N, long. 166°08′48″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Hooper Bay Airport; and that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of Hooper Bay Airport, excluding that airspace extending beyond 12 miles from the shoreline.

AAL AK E5 Kaltag, AK [Amended]

Kaltag Airport, AK
(Lat. 64°19′08″ N, long. 158°44′29″ W)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Kaltag Airport, and that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Kaltag Airport, excluding that airspace extending beyond 12 miles from the shoreline.

AAL AK E5 King Salmon, AK [Amended]

King Salmon, King Salmon Airport, AK
(Lat. 58°40′35″ N, long. 156°38′55″ W)
King Salmon VORTAC
(Lat. 58°43′29″ N, long. 156°45′08″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile

radius of King Salmon Airport, AK, and within 5 miles north and 9 miles south of the 132° radial of the King Salmon VORTAC, AK, extending from the King Salmon VORTAC, AK, to 36 miles southeast of the King Salmon VORTAC, AK, and within 3.9 miles either side of the 312° radial of the King Salmon VORTAC, AK, extending from the 6.9-mile radius to 13.9 miles northwest of the King Salmon VORTAC, AK; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the King Salmon Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

AAL AK E5 Kodiak, AK [Amended]

Kodiak Airport, AK
(Lat. 57°44′59″ N, long. 152°29′38″ W)

That airspace extending upward from 700 feet above the surface within an 6.9-mile radius of Kodiak Airport, AK, and within 3.1 miles either side of the 072° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 12.2 miles east of the airport, and within 1 mile either side of the 091° bearing from Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 8.2 miles east of the airport, and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Kodiak Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

AAL AK E5 Manokotak, AK [Amended]

Manokotak Airport, AK
(Lat. 58°55′55″ N, long. 158°54′07″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Manokotak Airport, AK; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of Manokotak Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

AAL AK E5 Middleton Island, AK [Amended]

Middleton Island Airport, AK
(Lat. 59°27′00″ N, long. 146°18′26″ W)
Middleton Island VOR/DME
(Lat. 59°25′18″ N, long. 146°21′00″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Middleton Island Airport, and within 4 miles either side of the 038° radial of the Middleton Island VOR/DME extending from the 6.5-mile radius to 12 miles northeast of the VOR/DME, and that airspace extending upward from 1,200 feet above the surface within a 42-mile radius of the Middleton Island VOR/DME, excluding that airspace extending beyond 12 miles of the shoreline.

Issued in Seattle, Washington, on February 20, 2019.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2019–03837 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 48

[Docket ID: DOD–2018–OS–0058]

RIN 0790–AK31

Retired Serviceman's Family Protection Plan (RSFPP)

AGENCY: Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Final rule.

SUMMARY: The final rule removes Department of Defense (DoD) regulations regarding the Retired Serviceman's Family Protection Plan (RSFPP). The part contains information for enrollment, designation of beneficiaries, and general guidance for the RSFPP program, which has been closed to new applicants since 1972. The only remaining relevant aspect of the RSFPP program is the application for benefits upon the death of a participating retiree, which is accomplished by completing the necessary forms that are published on a public website. This collection of information is tied to statute, and thus does not require an authorizing CFR part. Accordingly, this part is outdated and unnecessary and may be removed from the CFR.

DATES: This rule is effective on March 5, 2019.

FOR FURTHER INFORMATION CONTACT: Andrew Corso, (703) 693–1059.

SUPPLEMENTARY INFORMATION: This rule was published on July 18, 1969. RSFPP (authorized by 10 U.S.C. Chapter 73, Subchapter I) was terminated as the military retired pay annuity protection plan on September 21, 1972, and replaced by the Survivor Benefit Plan. All elections under RSFPP are complete. Upon the death of the Service member, a qualified annuitant can apply for the RSFPP annuity. This application is done through the completion of two forms (DD Form 2656–7 ''Verification for Survivor Annuity,'' and SF 1174 ''Claim for Unpaid Compensation of Deceased Member of the Uniformed Services''). No other requirements are made of the annuitants. The forms are publicly available on the DFAS website (*https://www.dfas.mil/retiredmilitary/survivors/Retiree-death.html*). The public is provided notice in the **Federal Register** of changes to these forms, and given the opportunity to comment in accordance with the requirements of the Paperwork Reduction Act.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review;'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 48

Military personnel, Pensions.

PART 48—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 48 is removed.

Dated: February 27, 2019.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 2019–03889 Filed 3–4–19; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 110, 147, and 165

[Docket No. USCG–2018–1049]

Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This final rule makes non-substantive technical and conforming amendments to existing Coast Guard regulations. The Coast Guard is issuing this technical amendment to conform to the changes made by the Frank LoBiondo Coast Guard Authorization Act of 2018, which redesignated existing United States Code provisions into new Titles and sections. This technical amendment updates the statutory authority citations for Coast Guard regulations that establish safety zones, security zones, special local regulations, regulated navigation areas, and anchorages. This rule will have no substantive effect on the regulated public.

DATES: This final rule is effective March 5, 2019.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket number USCG–2018–1049, which is available at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Kate Sergent, Coast Guard; telephone 202–372–3752, email *kate.e.sergent@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
§ Section
U.S.C. United States Code

II. Discussion of the Rule

On December 4, 2018, Congress enacted the Frank LoBiondo Coast Guard Authorization Act of 2018 (Pub. L. 115–282). The Frank LoBiondo Coast Guard Authorization Act of 2018 redesignated multiple provisions within Titles 14, 33, 46, and 50 of the United States Code in an effort reorganize these Titles. The Coast Guard often uses the affected statutory provisions as authority for issuing regulations related to maritime safety and security.

Most significantly, the Frank LoBiondo Coast Guard Authorization Act of 2018 redesignated the Ports and Waterways Safety Act provisions previously located in 33 U.S.C. 1221 through 1236, and with an exception not relevant to this rule, moved those provisions without substantive change into Chapter 700 of Title 46 of the United States Code.[1] The new Chapter 700 of Title 46 is titled ''Ports and Waterways Safety''. This rule replaces the old statutory authority citations with their correct statutory authorities.

The Coast Guard periodically issues technical, organizational, and conforming amendments to existing regulations in title 33 of the CFR. These ''technical amendments'' provide the public with more accurate and current regulatory information, but do not change the effect on the public of any Coast Guard regulations.

This rule updates the authority citations for the following parts of title 33 of the CFR: 100, 110, 147, and 165. This rule also updates in text citations to statutory authorities that were moved by the Frank LoBiondo Coast Guard Authorization Act. The Coast Guard is updating only these CFR parts with this final rule because we frequently issue temporary regulations to protect marine events that rely on the statutory authorities previously located in 33 U.S.C. 1221 through 1236 and 50 U.S.C. 191. These safety-oriented regulations include safety zones, security zones, regulated navigation areas, special local regulations, safety zones on the outer continental shelf, and anchorage grounds. The Coast Guard will update all of our other affected regulations and their authority citations in one or more future rulemakings.

[1] The Act moved 33 U.S.C. 1223a, which governs the use of electronic charts, to 46 U.S.C. 3105.

III. Regulatory History

We did not publish a notice of proposed rulemaking for this rule. Under Title 5 of the United States Code (U.S.C.), Section 553(b)(A), the Coast Guard finds that this final rule is exempt from notice and public comment rulemaking requirements because these changes involve rules of agency organization, procedure, or practice. In addition, the Coast Guard finds that notice and comment procedures are unnecessary for this final rule under 5 U.S.C. 553(b)(B), as this rule consists of only technical and editorial corrections and these changes will have no substantive effect on the public. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this final rule effective upon publication in the **Federal Register**.

IV. Basis and Purpose

This final rule makes technical and editorial corrections in parts 100, 110, 147, and 165 of title 33 of the CFR. These changes are necessary to update the authority citations for existing regulations and make other non-substantive amendments that improve the clarity of the CFR. This rule does not create or change any substantive requirements.

This final rule is issued under the authority of 5 U.S.C. 552(a) and 553; 14 U.S.C. 102 and 503; and Department of Homeland Security Delegation No. 0170.1.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. Because this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. *See* the OMB Memorandum titled ''Guidance Implementing Executive Order 13771, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017). This rule involves non-substantive changes and internal agency practices and procedures; it will not impose any additional costs on the public or the government. The qualitative benefit of the non-substantive changes is increased clarity of regulations and their authority. The increased clarity of the CFR is created by the correction of errors, removing outdated references, and correcting citations to match current statutory text.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule is not preceded by a notice of proposed rulemaking. Therefore, it is

exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Regulatory Flexibility Act does not apply when notice and comment rulemaking is not required.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. This final rule will not change any of the burdens in the collections currently approved by OMB.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Although this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A final Record of Environmental Consideration supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. This final rule involves non-substantive technical, organizational, and conforming amendments to existing Coast Guard regulations. Therefore, this rule is categorically excluded under paragraph L54 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Paragraph L54 pertains to regulations which are editorial or procedural.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 110

Anchorage grounds.

33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 100, 110, 147, and 165 as follows:

Title 33—Navigation and Navigable Waters

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 is revised to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

§ 100.35 [Amended]

■ 2. In § 100.35(c), remove the text ''33 U.S.C. 1233'' and add in its place the text ''46 U.S.C. 70041''.

§ 100.1401 [Amended]

■ 3. In § 100.1401(e), remove the text ''33 U.S.C. 1233'' and add in its place the text ''46 U.S.C. 70041''.

PART 110—ANCHORAGE REGULATIONS

■ 4. The authority citation for part 110 is revised to read as follows:

Authority: 33 U.S.C. 471, 2071, 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 5. In § 110.1a, revise the section heading and paragraph (a) introductory text to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety provisions.

(a) The anchorages listed in this section are regulated under 46 U.S.C. Chapter 700, ''Ports and Waterways Safety'':

* * * * *

PART 147—SAFETY ZONES

■ 6. The authority citation for part 147 is revised to read as follows:

Authority: 14 U.S.C. 544; 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 7. The authority citation for part 165 is revised to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 8. In part 165:
■ a. Revise all references to ''33 U.S.C. 1226'' to read ''46 U.S.C. 70116''.
■ b. Revise all references to ''33 U.S.C. 1231'' to read ''46 U.S.C. 70034''.
■ c. Revise all references to ''33 U.S.C. 1232'' to read ''46 U.S.C. 70036''.
■ d. Revise all references to ''50 U.S.C. 191'' to read ''46 U.S.C. 70051''.
■ e. Revise all references to ''50 U.S.C. 192'' to read ''46 U.S.C. 70052''.

§ 165.9 [Amended]

■ 9. Amend § 165.9 as follows:
■ a. In paragraph (b), remove the text ''the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232'' and add in its place the text ''46 U.S.C. 70001–70041''.
■ b. In paragraph (c):
■ i. Remove the text ''the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232'' and add in its place the text ''46 U.S.C. Chapter 700''; and
■ ii. Remove the text ''50 U.S.C. 191–195'' and add in its place the text ''46 U.S.C. 70051–54''.

§ 165.838 [Amended]

■ 10. Amend § 165.838 as follows:
■ a. In paragraph (b)(5), remove the text ''the Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq.*'' and add in its place the text ''46 U.S.C. Chapter 700''.
■ b. In paragraph (i), remove the text ''the Ports and Waterways Safety Act, 33 U.S.C. 1221 *et seq.*'' and add in its place the text ''46 U.S.C. 70036 and 70041''.

Dated: February 27, 2019.

Katia Kroutil,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2019–03856 Filed 3–4–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AQ34

Update: Enrollment—Provision of Hospital and Outpatient Care to Medal of Honor Veterans

AGENCY: Department of Veterans Affairs

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its medical regulations governing eligibility for VA health care and copayment requirements to conform to recent statutory changes. VA is changing its enrollment criteria to move Medal of Honor recipients from priority category three to priority category one, and exempting recipients of the Medal of Honor from copayments for inpatient care, outpatient care, medications, and extended care services.

DATES: This final rule is effective on March 5, 2019.

FOR FURTHER INFORMATION CONTACT: Stacey Echols Sr., CP, FAC–P/PM, Business Policy, VHA Member Services; 810 Vermont Avenue NW, Washington, DC 20420; (404) 828–5281. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Enrollment Eligibility

Section 1705 of title 38, United States Code (38 U.S.C. 1705), requires VA to implement a national enrollment system to manage the delivery of its health care services and also contains priority categories for determining eligibility for enrollment in VA's health care system. In its original enactment, section 1705 did not include receipt of the Medal of Honor as a criterion for eligibility in a priority category. See Public Law 104–262 (October 9, 1996). In 2010, Congress amended section 1705 by adding Medal of Honor recipients to priority category three. See Public Law 111–163 (May 5, 2010). VA has implemented section 1705 in regulation at 38 Code of Federal Regulations (CFR) 17.36.

In the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, Congress elevated Medal of Honor recipients' health care enrollment eligibility from priority category three to priority category one. Public Law (Pub. L.) 114–315 (December 16, 2016).

This final rulemaking updates 38 CFR 17.36 to reflect the current statutory requirement that VA place Medal of Honor recipients in priority category one. VA therefore is removing award of the Medal of Honor as a criterion from paragraph (b)(3) and inserting it as a criterion in paragraph (b)(1).

Copayments

Several sections in Chapter 17 of title 38, U.S.C. require VA to collect copayments from certain veterans for various types of care and medication. Section 1710 of 38 U.S.C., for example, directs VA to provide hospital care and medical services to numerous categories of veterans, and requires VA to charge certain categories of veterans copayments for the care and services provided. Section 1710B allows VA to furnish extended care services to certain categories of veterans, including several categories who are not required to pay copayments. Section 1722A requires VA to charge copayments for medications, excepting several categories of veterans who are not required to pay copayments. While Public Law 111–163 added Medal of Honor awardees to Priority Group 3, it did not exempt these veterans from VA copayment requirements.

Section 603 of Public Law 114–315 amended 38 U.S.C. 1710(a)(2)(D), 1710B(c)(2), and 1722A(a)(3) to afford Medal of Honor recipients specific exemptions to the copayments required for hospital care and medical services, extended care services, and medications. VA has regulated copayments for the aforementioned benefits at 38 CFR 17.108, 17.110, and 17.111. This final rulemaking adds §§ 17.108(d)(13), 17.110(c)(11), and 17.111(f)(10) to reflect the statutory changes exempting Medal of Honor recipients from copayments for the

listed health care services and medications.

Administrative Procedure Act

This final rule implements the specific requirements mandated by Public Law 114–315 that VA place Medal of Honor recipients into priority category one for purposes of enrollment eligibility and exempt those veterans from certain copayments. Accordingly, because this rule simply incorporates current statutory requirements, VA finds there is good cause to exempt this rule from the prior notice-and-comment and delayed-effective-date requirements, in accordance with 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3).

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

Although 38 CFR 17.36 contains provisions constituting collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this final rule. The information collection requirements for § 17.36 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0091.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a). In any event, the Secretary hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This rule directly affects only individuals and does not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.'' This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on February 26, 2019, for publication.

Dated: February 26, 2019.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, Department of Veterans Affairs amends 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read in part as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

* * * * *

■ 2. Amend § 17.36 by revising paragraphs (b)(1) and (3) to reads as follows:

§ 17.36 Enrollment—provision of hospital and outpatient care to veterans.

* * * * *

(b) * * *

(1) Veterans with a singular or combined rating of 50 percent or greater based on one or more service-connected disabilities or unemployability; and veterans awarded the Medal of Honor.

* * * * *

(3) Veterans who are former prisoners of war; veterans awarded the Purple Heart; veterans with a singular or combined rating of 10 percent or 20 percent based on one or more service-connected disabilities; veterans who were discharged or released from active military service for a disability incurred or aggravated in the line of duty; veterans who receive disability compensation under 38 U.S.C. 1151; veterans whose entitlement to disability compensation is suspended pursuant to 38 U.S.C. 1151, but only to the extent that such veterans' continuing eligibility for that care is provided for in the judgment or settlement described in 38 U.S.C. 1151; veterans whose entitlement to disability compensation is suspended because of the receipt of military retired pay; and veterans receiving compensation at the 10 percent rating level based on multiple noncompensable service-connected disabilities that clearly interfere with normal employability.

* * * * *

■ 3. Amend § 17.108 by adding paragraph (d)(13) to read as follows:

§ 17.108 Copayments for inpatient hospital care and outpatient medical care.

* * * * *

(d) * * *

(13) A veteran who was awarded the Medal of Honor.

* * * * *

■ 4. Amend § 17.110 by adding paragraph (c)(11) to read as follows:

§ 17.110 Copayments for medications.

* * * * *

(c) * * *

(11) Medication for a veteran who was awarded the Medal of Honor.

* * * * *

■ 5. Amend § 17.111 by adding paragraph (f)(10) to read as follows:

§ 17.111 Copayments for extended care services.

* * * * *

(f) * * *

(10) A veteran who was awarded the Medal of Honor.

* * * * *

[FR Doc. 2019–03747 Filed 3–4–19; 8:45 am]

BILLING CODE 8320–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2010–21 and CP2010–36]

Update to Product List

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is updating the competitive product list. This action reflects a publication policy adopted by Commission order. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The competitive product list, which is re-published in its entirety, include these updates.

DATES: *Effective Date:* March 5, 2019. For applicability dates, see **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION:

Applicability Dates: October 16, 2018, Priority Mail Contract 466 (MC2019–1 and CP2019–1); October 17, 2018, Priority Mail Contract 467 (MC2019–2 and CP2019–2); October 25, 2018, Priority Mail Contract 468 (MC2019–5 and CP2019–4); October 25, 2018, Priority Mail Contract 470 (MC2019–7 and CP2019–6); October 25, 2018, Priority Mail Contract 469 (MC2019–6 and CP2019–5); October 26, 2018, Priority Mail Contract 471 (MC2019–8 and CP2019–7); October 26, 2018, Priority Mail Express & Priority Mail Contract 73 (MC2019–9 and CP2019–8); October 26, 2018, Priority Mail Express & Priority Mail Contract 74 (MC2019–10 and CP2019–9); November 16, 2018, Priority Mail Contract 472 (MC2019–11 and CP2019–10); November 21, 2018, Priority Mail Contract 473 (MC2019–12 and CP2019–12); November 21, 2018, First-Class Package Service Contract 95 (MC2019–13 and CP2019–13); November 21, 2018, Priority Mail Contract 474 (MC2019–14 and CP2019–14); November 21, 2018, Priority Mail & First-Class Package Service Contract 90 (MC2019–15 and CP2019–15); November 21, 2018, Priority Mail Express & Priority Mail Contract 75 (MC2019–16 and CP2019–16); November 27, 2018, Priority Mail Contract 475 (MC2019–18 and CP2019–18); November 27, 2018, Priority Mail Contract 477 (MC2019–20 and CP2019–20); November 27, 2018, Priority Mail Contract 476 (MC2019–19 and CP2019–19); November 28, 2018, Priority Mail Express, Priority Mail & First-Class Package Service Contract 46 (MC2019–21 and CP2019–21); November 29, 2018, Priority Mail Express, Priority Mail & First-Class Package Service Contract 47 (MC2019–22 and CP2019–23); November 29, 2018, Priority Mail Express Contract 66 (MC2019–24 and CP2019–25); November 29, 2018, Priority Mail Contract 478 (MC2019–23 and CP2019–24); November 29, 2018, Priority Mail Express Contract 67 (MC2019–25 and CP2019–26); November 30, 2018, Priority Mail Contract 479 (MC2019–26 and CP2019–27); November 30, 2018, Priority Mail Contract 480 (MC2019–27 and CP2019–28); November 30, 2018, Priority Mail Contract 481 (MC2019–28 and CP2019–29); November 30, 2018, Priority Mail Contract 482 (MC2019–29 and CP2019–30); November 30, 2018, Priority Mail Contract 483 (MC2019–30 and CP2019–31); December 7, 2018, First-Class Package Service Contract 96 (MC2019–33 and CP2019–34); December 7, 2018, Priority Mail Express & Priority Mail Contract 76 (MC2019–34 and CP2019–35); December 7, 2018, Priority Mail Express & Priority Mail Contract 77 (MC2019–35 and CP2019–36); December 7, 2018, Priority Mail Contract 484 (MC2019–31 and CP2019–32); December 7, 2018, Priority Mail Express Contract 68 (MC2019–32 and CP2019–33); December 11, 2018, Priority Mail Contract 485 (MC2019–36 and CP2019–38); December 11, 2018, Priority Mail Contract 486 (MC2019–37 and CP2019–39); December 18, 2018, Priority Mail Contract 487 (MC2019–38 and CP2019–40); December 18, 2018, Priority Mail Contract 488 (MC2019–39 and CP2019–41); December 18, 2018, Priority Mail Contract 489 (MC2019–40 and CP2019–42); December 20, 2018, Priority Mail Contract 490 (MC2019–41 and CP2019–44); December 20, 2018, Priority Mail Contract 491 (MC2019–42 and CP2019–45); December 20, 2018, Priority Mail Contract 492 (MC2019–43 and CP2019–46); December 20, 2018, Priority Mail Contract 493 (MC2019–44 and CP2019–47); December 20, 2018, Priority Mail Contract 494 (MC2019–45 and CP2019–48); December 21, 2018, Priority Mail & First-Class Package

Service Contract 91 (MC2019–46 and CP2019–49); December 27, 2018, Priority Mail Contract 495 (MC2019–47 and CP2019–51); December 27, 2018, Priority Mail Express & Priority Mail Contract 80 (MC2019–50 and CP2019–54); December 27, 2018, Priority Mail Express & Priority Mail Contract 79 (MC2019–49 and CP2019–53); December 28, 2018, Priority Mail & First-Class Package Service Contract 92 (MC2019–51 and CP2019–55); December 28, 2018, Priority Mail & First-Class Package Service Contract 93 (MC2019–52 and CP2019–56); December 28, 2018, Priority Mail Contract 496 (MC2019–53 and CP2019–57); December 28, 2018, Global Plus 5 Contracts (MC2019–59 and CP2019–63); December 31, 2018, Priority Mail Contract 497 (MC2019–54 and CP2019–58); December 31, 2018, Priority Mail Contract 498 (MC2019–55 and CP2019–59); December 31, 2018, Priority Mail Contract 499 (MC2019–56 and CP2019–60); December 31, 2018, Priority Mail Contract 500 (MC2019–57 and CP2019–61); December 31, 2018, First-Class Package Service Contract 97 (MC2019–58 and CP2019–62).

This document identifies updates to the competitive product list, which appears as 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List. Publication of the updated product list in the **Federal Register** is addressed in the Postal Accountability and Enhancement Act (PAEA) of 2006.

Authorization. The Commission process for periodic publication of updates was established in Docket Nos. MC2010–21 and CP2010–36, Order No. 445, April 22, 2010, at 8.

Changes. The competitive product list is being updated by publishing a replacement in its entirety of 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List. The following products are being added, removed, or moved within the competitive product list:

Competitive Product List

1. Priority Mail Contract 466 (MC2019–1 and CP2019–1) (Order No. 4857), added October 16, 2018.
2. Priority Mail Contract 467 (MC2019–2 and CP2019–2) (Order No. 4858), added October 17, 2018.
3. Priority Mail Contract 468 (MC2019–5 and CP2019–4) (Order No. 4860), added October 25, 2018.
4. Priority Mail Contract 470 (MC2019–7 and CP2019–6) (Order No. 4861), added October 25, 2018.
5. Priority Mail Contract 469 (MC2019–6 and CP2019–5) (Order No. 4862), added October 25, 2018.
6. Priority Mail Contract 471 (MC2019–8 and CP2019–7) (Order No. 4863), added October 26, 2018.
7. Priority Mail Express & Priority Mail Contract 73 (MC2019–9 and CP2019–8) (Order No. 4864), added October 26, 2018.
8. Priority Mail Express & Priority Mail Contract 74 (MC2019–10 and CP2019–9) (Order No. 4865), added October 26, 2018.
9. Priority Mail Contract 472 (MC2019–11 and CP2019–10) (Order No. 4880), added November 16, 2018.
10. Priority Mail Contract 473 (MC2019–12 and CP2019–12) (Order No. 4884), added November 21, 2018.
11. First-Class Package Service Contract 95 (MC2019–13 and CP2019–13) (Order No. 4885), added November 21, 2018.
12. Priority Mail Contract 474 (MC2019–14 and CP2019–14) (Order No. 4886), added November 21, 2018.
13. Priority Mail & First-Class Package Service Contract 90 (MC2019–15 and CP2019–15) (Order No. 4887), added November 21, 2018.
14. Priority Mail Express & Priority Mail Contract 75 (MC2019–16 and CP2019–16) (Order No. 4888), added November 21, 2018.
15. Priority Mail Contract 475 (MC2019–18 and CP2019–18) (Order No. 4890), added November 27, 2018.
16. Priority Mail Contract 477 (MC2019–20 and CP2019–20) (Order No. 4891), added November 27, 2018.
17. Priority Mail Contract 476 (MC2019–19 and CP2019–19) (Order No. 4893), added November 27, 2018.
18. Priority Mail Express, Priority Mail & First-Class Package Service Contract 46 (MC2019–21 and CP2019–21) (Order No. 4896), added November 28, 2018.
19. Priority Mail Express, Priority Mail & First-Class Package Service Contract 47 (MC2019–22 and CP2019–23) (Order No. 4900), added November 29, 2018.
20. Priority Mail Express Contract 66 (MC2019–24 and CP2019–25) (Order No. 4901), added November 29, 2018.
21. Priority Mail Contract 478 (MC2019–23 and CP2019–24) (Order No. 4902), added November 29, 2018.
22. Priority Mail Express Contract 67 (MC2019–25 and CP2019–26) (Order No. 4903), added November 29, 2018.
23. Priority Mail Contract 479 (MC2019–26 and CP2019–27) (Order No. 4905), added November 30, 2018.
24. Priority Mail Contract 480 (MC2019–27 and CP2019–28) (Order No. 4906), added November 30, 2018.
25. Priority Mail Contract 481 (MC2019–28 and CP2019–29) (Order No. 4907), added November 30, 2018.
26. Priority Mail Contract 482 (MC2019–29 and CP2019–30) (Order No. 4908), added November 30, 2018.
27. Priority Mail Contract 483 (MC2019–30 and CP2019–31) (Order No. 4909), added November 30, 2018.
28. First-Class Package Service Contract 96 (MC2019–33 and CP2019–34) (Order No. 4912), added December 7, 2018.
29. Priority Mail Express & Priority Mail Contract 76 (MC2019–34 and CP2019–35) (Order No. 4913), added December 7, 2018.
30. Priority Mail Express & Priority Mail Contract 77 (MC2019–35 and CP2019–36) (Order No. 4914), added December 7, 2018.
31. Priority Mail Contract 484 (MC2019–31 and CP2019–32) (Order No. 4916), added December 7, 2018.
32. Priority Mail Express Contract 68 (MC2019–32 and CP2019–33) (Order No. 4917), added December 7, 2018.
33. Priority Mail Contract 485 (MC2019–36 and CP2019–38) (Order No. 4920), added December 11, 2018.
34. Priority Mail Contract 486 (MC2019–37 and CP2019–39) (Order No. 4921), added December 11, 2018.
35. Priority Mail Contract 487 (MC2019–38 and CP2019–40) (Order No. 4929), added December 18, 2018.
36. Priority Mail Contract 488 (MC2019–39 and CP2019–41) (Order No. 4930), added December 18, 2018.
37. Priority Mail Contract 489 (MC2019–40 and CP2019–42) (Order No. 4931), added December 18, 2018.
38. Priority Mail Contract 490 (MC2019–41 and CP2019–44) (Order No. 4937), added December 20, 2018.
39. Priority Mail Contract 491 (MC2019–42 and CP2019–45) (Order No. 4938), added December 20, 2018.
40. Priority Mail Contract 492 (MC2019–43 and CP2019–46) (Order No. 4939), added December 20, 2018.
41. Priority Mail Contract 493 (MC2019–44 and CP2019–47) (Order No. 4940), added December 20, 2018.
42. Priority Mail Contract 494 (MC2019–45 and CP2019–48) (Order No. 4941), added December 20, 2018.
43. Priority Mail & First-Class Package Service Contract 91 (MC2019–46 and CP2019–49) (Order No. 4942), added December 21, 2018.
44. Priority Mail Contract 495 (MC2019–47 and CP2019–51) (Order No. 4946), added December 27, 2018.
45. Priority Mail Express & Priority Mail Contract 80 (MC2019–50 and CP2019–54) (Order No. 4947), added December 27, 2018.
46. Priority Mail Express & Priority Mail Contract 79 (MC2019–49 and CP2019–53) (Order No. 4949), added December 27, 2018.

47. Priority Mail & First-Class Package Service Contract 92 (MC2019–51 and CP2019–55) (Order No. 4950), added December 28, 2018.
48. Priority Mail & First-Class Package Service Contract 93 (MC2019–52 and CP2019–56) (Order No. 4951), added December 28, 2018.
49. Priority Mail Contract 496 (MC2019–53 and CP2019–57) (Order No. 4952), added December 28, 2018.
50. Global Plus 5 Contracts (MC2019–59 and CP2019–63) (Order No. 4954), added December 28, 2018.
51. Priority Mail Contract 497 (MC2019–54 and CP2019–58) (Order No. 4955), added December 31, 2018.
52. Priority Mail Contract 498 (MC2019–55 and CP2019–59) (Order No. 4956), added December 31, 2018.
53. Priority Mail Contract 499 (MC2019–56 and CP2019–60) (Order No. 4957), added December 31, 2018.
54. Priority Mail Contract 500 (MC2019–57 and CP2019–61) (Order No. 4958), added December 31, 2018.
55. First-Class Package Service Contract 97 (MC2019–58 and CP2019–62) (Order No. 4959), added December 31, 2018.

The following negotiated service agreements have expired, or have been terminated early, and are being deleted from the Competitive Product List:

1. Parcel Select & Parcel Return Service Contract 5 (MC2014–1 and CP2014–1) (Order No. 1863).
2. Priority Mail Express & Priority Mail Contract 17 (MC2015–47 and CP2015–58) (Order No. 2447).
3. Parcel Return Service Contract 7 (MC2015–50 and CP2015–72) (Order No. 2515).
4. Parcel Return Service Contract 8 (MC2015–51 and CP2015–73) (Order No. 2518).
5. Priority Mail Contract 133 (MC2015–67 and CP2015–98) (Order No. 2600).
6. Priority Mail Contract 136 (MC2015–72 and CP2015–110) (Order No. 2647).
7. Priority Mail Express Contract 26 (MC2015–77 and CP2015–121) (Order No. 2662).
8. Priority Mail Express Contract 27 (MC2015–81 and CP2015–135) (Order No. 2707).
9. Priority Mail Contract 149 (MC2016–8 and CP2016–10) (Order No. 2794).
10. Priority Mail Express Contract 29 (MC2016–16 and CP2016–22) (Order No. 2847).
11. Priority Mail Contract 155 (MC2016–19 and CP2016–25) (Order No. 2851).
12. Priority Mail Express & Priority Mail Contract 22 (MC2016–20 and CP2016–26) (Order No. 2852).
13. Priority Mail Express & Priority Mail Contract 23 (MC2016–26 and CP2016–32) (Order No. 2873).
14. Priority Mail Contract 156 (MC2016–22 and CP2016–28) (Order No. 2875).
15. Priority Mail Contract 158 (MC2016–24 and CP2016–30) (Order No. 2876).
16. Priority Mail Contract 159 (MC2016–25 and CP2016–31) (Order No. 2879).
17. Priority Mail Contract 160 (MC2016–29 and CP2016–35) (Order No. 2891).
18. Priority Mail Contract 161 (MC2016–30 and CP2016–36) (Order No. 2902).
19. Priority Mail Express Contract 30 (MC2016–32 and CP2016–38) (Order No. 2906).
20. Priority Mail & First-Class Package Service Contract 8 (MC2016–34 and CP2016–40) (Order No. 2911).
21. Priority Mail Contract 163 (MC2016–35 and CP2016–41) (Order No. 2912).
22. Priority Mail Contract 164 (MC2016–36 and CP2016–42) (Order No. 2913).

Updated product list. The referenced changes to the competitive product list is incorporated into 39 CFR Appendix B to Subpart A of Part 3020—Competitive Product List.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise Appendix B to Subpart A of Part 3020 to read as follows:

Appendix B to Subpart A of Part 3020—Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

Domestic Products *

Priority Mail Express
Priority Mail
Parcel Select
Parcel Return Service
First-Class Package Service
USPS Retail Ground

International Products *

Outbound International Expedited Services
Inbound Parcel Post (at UPU rates)
Outbound Priority Mail International
International Priority Airmail (IPA)
International Surface Air List (ISAL)
International Direct Sacks—M-Bags
Outbound Single-Piece First-Class Package International Service

Negotiated Service Agreements *

Domestic *
- Priority Mail Express Contract 28
- Priority Mail Express Contract 31
- Priority Mail Express Contract 32
- Priority Mail Express Contract 34
- Priority Mail Express Contract 35
- Priority Mail Express Contract 36
- Priority Mail Express Contract 37
- Priority Mail Express Contract 38
- Priority Mail Express Contract 39
- Priority Mail Express Contract 40
- Priority Mail Express Contract 41
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- Priority Mail Express Contract 68
- Parcel Return Service Contract 5
- Parcel Return Service Contract 6
- Parcel Return Service Contract 9
- Parcel Return Service Contract 10
- Priority Mail Contract 77
- Priority Mail Contract 78
- Priority Mail Contract 80
- Priority Mail Contract 123
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Priority Mail & First-Class Package Service Contract 92
Priority Mail & First-Class Package Service Contract 93
Priority Mail & Parcel Select Contract 1
Priority Mail & Parcel Select Contract 2
Priority Mail Express & First-Class Package Service Contract 1
Priority Mail Express & First-Class Package Service Contract 2
Priority Mail Express & First-Class Package Service Contract 3

Outbound International *

Global Expedited Package Services (GEPS) Contracts
  GEPS 3
  GEPS 5
  GEPS 6
  GEPS 7
  GEPS 8
  GEPS 9
  GEPS 10
Global Bulk Economy (GBE) Contracts
Global Plus Contracts
  Global Plus 1C
  Global Plus 1D
  Global Plus 1E
  Global Plus 2C
  Global Plus 3
  Global Plus 4
  Global Plus 5
Global Reseller Expedited Package Contracts
  Global Reseller Expedited Package Services 1
  Global Reseller Expedited Package Services 2
  Global Reseller Expedited Package Services 3
  Global Reseller Expedited Package Services 4
Global Expedited Package Services (GEPS)—Non-Published Rates
  Global Expedited Package Services (GEPS)—Non-Published Rates 2
  Global Expedited Package Services (GEPS)—Non-Published Rates 3
  Global Expedited Package Services (GEPS)—Non-Published Rates 4
  Global Expedited Package Services (GEPS)—Non-Published Rates 5
  Global Expedited Package Services (GEPS)—Non-Published Rates 6
  Global Expedited Package Services (GEPS)—Non-Published Rates 7
  Global Expedited Package Services (GEPS)—Non-Published Rates 8
  Global Expedited Package Services (GEPS)—Non-Published Rates 9
  Global Expedited Package Services (GEPS)—Non-Published Rates 10
  Global Expedited Package Services (GEPS)—Non-Published Rates 11
  Global Expedited Package Services (GEPS)—Non-Published Rates 12
  Global Expedited Package Services (GEPS)—Non-Published Rates 13
  Global Expedited Package Services (GEPS)—Non-Published Rates 14
Priority Mail International Regional Rate Boxes—Non-Published Rates
Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd.
Priority Mail International Regional Rate Boxes Contracts
Priority Mail International Regional Rate Boxes Contracts 1
Competitive International Merchandise Return Service Agreements with Foreign Postal Operators
  Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1
  Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2
Alternative Delivery Provider (ADP) Contracts ADP 1
Alternative Delivery Provider Reseller (ADPR) Contracts ADPR 1

Inbound International *

International Business Reply Service (IBRS) Competitive Contracts
  International Business Reply Service Competitive Contract 1
  International Business Reply Service Competitive Contract 3
Inbound Direct Entry Contracts with Customers
Inbound Direct Entry Contracts with Foreign Postal Administrations
  Inbound Direct Entry Contracts with Foreign Postal Administrations
  Inbound Direct Entry Contracts with Foreign Postal Administrations 1
Inbound EMS
  Inbound EMS 2
Inbound Air Parcel Post (at non-UPU rates)
  Royal Mail Group Inbound Air Parcel Post Agreement
Inbound Competitive Multi-Service Agreements with Foreign Postal Operators
  Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1

Special Services *

Address Enhancement Services
Greeting Cards, Gift Cards, and Stationery
International Ancillary Services
International Money Transfer Service—Outbound
International Money Transfer Service—Inbound
Premium Forwarding Service
Shipping and Mailing Supplies
Post Office Box Service
Competitive Ancillary Services

Nonpostal Services *

Advertising
Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP)
Mail Service Promotion
Officially Licensed Retail Products (OLRP)
Passport Photo Service
Photocopying Service
Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property
Training Facilities and Related Services
USPS Electronic Postmark (EPM) Program

Market Tests *

Customized Delivery
Global eCommerce Marketplace (GeM)

Stacy L. Ruble,

Secretary.

[FR Doc. 2019–03929 Filed 3–4–19; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–R08–OAR–2019–0037; FRL–9990–08–Region 8]

Revision to Approval of Application Submitted by Eastern Shoshone Tribe and Northern Arapaho Tribe for Treatment in a Similar Manner as a State Under the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of final action.

SUMMARY: This document announces that the EPA Regional Administrator for Region 8 has revised the EPA's December 6, 2013 approval of an application submitted by the Northern Arapaho Tribe and Eastern Shoshone Tribe (Tribes) of the Wind River Indian Reservation for treatment in a similar manner as a state (TAS) pursuant to the Clean Air Act and the EPA's implementing regulations for purposes of certain Clean Air Act provisions. This revision is in accordance with a decision of the United States Court of Appeals for the Tenth Circuit holding that a 1905 Congressional Act diminished the Wind River Indian Reservation.

DATES: The EPA's revision to the decision approving the Tribes' TAS application was issued and took effect on February 25, 2019.

ADDRESSES: You may review a copy of the EPA's revision to the December 6, 2013 Wind River TAS decision, as well as copies of the original December 6, 2013 TAS Decision Document and associated attachments and supporting information, at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, Colorado 80202–1129. If you wish to review the documents in hard copy, the EPA requests that you contact the individual listed below to view these documents. You may view the hard copies of these documents Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the day of your visit. Additionally, these documents are available electronically. The EPA has established a docket for this notice under Docket ID No. EPA–R08–OAR–2019–0037. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. These documents are also available electronically at: *http://www2.epa.gov/region8/tribal-assistance-program.*

FOR FURTHER INFORMATION CONTACT: Monica Morales, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6936, *morales.monica@epa.gov.*

SUPPLEMENTARY INFORMATION: On December 17, 2008, as supplemented on December 23, 2008, the Tribes submitted their TAS application as authorized by Clean Air Act section 301(d) (42 U.S.C. 7601(d)) and EPA regulations at 40 CFR part 49. In their application, the Tribes requested TAS eligibility for purposes of Clean Air Act provisions that generally relate to grant funding (*e.g.,* for air quality planning purposes) (section 105 (42 U.S.C. 7405)); involvement in EPA national ambient air quality redesignations for the Reservation (section 107(d)(3) (42 U.S.C. 7407(d)(3)); receiving notices of, reviewing, and/or commenting on certain nearby permitting and sources (sections 505(a)(2) (42 U.S.C. 7661d(a)(2)) and 126 (42 U.S.C. 7426); receiving risk management plans of certain stationary sources (section 112(r)(7)(B)(iii) (42 U.S.C. 7412(r)(7)(B)(iii)); and participation in certain interstate and regional air quality bodies (sections 169B (42 U.S.C. 7492), 176A (42 U.S.C. 7506a) and 184 (42 U.S.C. 7511c). On December 6, 2013, the EPA Region 8 Regional Administrator approved the Tribes' TAS application for purposes of administering the specified functions with respect to the Wind River Indian Reservation. See 78 FR 76829 (December 19, 2013). As required by EPA regulations, the EPA's TAS decision included a determination of the geographic scope of the Tribes' Reservation. Several parties filed timely challenges to the geographic scope of the EPA's TAS decision in the United States Court of Appeals for the Tenth Circuit. Those challenges resulted in a final court decision holding that a 1905 Congressional Act (33 Stat. 1016 (1905)) diminished the Wind River Indian Reservation. *Wyoming* v. *EPA,* 875 F.3d 505 (10th Cir. 2017), *cert. denied,* 138 S. Ct. 2677 (2018). In accordance with that final judicial decision, on February 25, 2019, the EPA Region 8 Regional Administrator revised the geographic scope of the original TAS approval by excluding lands addressed in Article I of the 1905 Act that have not been placed into trust status. This revision rendered the EPA's TAS approval consistent with the Tenth Circuit's decision.

Judicial Review: Pursuant to section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)), Petitioners may seek judicial review of this revision to the TAS approval decision in the United States Court of Appeals for the appropriate circuit. Any petition for judicial review shall be filed within 60 days from the date this document appears in the **Federal Register**, *i.e.,* not later than May 6, 2019.

Authority: 42 U.S.C. 7401, *et seq.*

Dated: February 27, 2019.

Douglas Benevento,

Regional Administrator, EPA Region 8.

[FR Doc. 2019–03865 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2018–0544; FRL–9990–31–Region 4]

Air Plan Approval; Alabama; Regional Haze Progress Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Alabama through the Alabama Department of Environmental Management (ADEM) with a letter dated June 26, 2018. Alabama's SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing SIP addressing regional

haze (regional haze plan). EPA is approving Alabama's determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

DATES: This rule is effective April 4, 2019.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2018–0544. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

States are required to submit regional haze progress reports that evaluate progress towards the RPGs for each mandatory Class I Federal area [1] (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as a 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due five years after submittal of the initial regional haze plan and must be submitted as a SIP revision. On June 26, 2018, ADEM submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long term strategy outlined in the State's regional haze plan; the visibility improvement measured at the Sipsey Wilderness Area (the only Class I area within Alabama); and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on December 18, 2018 (83 FR 64797), EPA proposed to approve Alabama's Progress Report. The details of Alabama's submission and the rationale for EPA's action is explained in the NPRM. Comments on the proposed rulemaking were due on or before January 8, 2019. EPA received no adverse comments on the proposed action. EPA received two supportive comments which are included in the docket for this final rule.

II. Final Action

EPA is finalizing approval of Alabama's June 26, 2018, Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and (h).

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 20, 2019.

Mary S. Walker,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401 *et seq.*

Subpart B—Alabama

■ 2. Section 52.50(e), is amended by adding an entry for ''June 2018 Regional Haze Progress Report'' at the end of the table to read as follows:

§ 52.50 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
*	*	*	*	*
June 2018 Regional Haze Progress Report.	Alabama	6/26/2018	3/5/2019, [Insert **Federal Register** citation].	

[FR Doc. 2019–03853 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R03–OAR–2018–0304; FRL–9990–12–Region 3]

Commonwealth of Pennsylvania; Allegheny County Health Department, Withdrawal of Section 112(l) Delegation Authority for the Chemical Accident Prevention Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that the Allegheny County Health Department (ACHD) has completed the regulatory process for voluntary withdrawal from EPA's delegation of authority to enforce the chemical accident prevention regulations under the Clean Air Act (CAA). The EPA is therefore amending the Code of Federal Regulations (CFR) to indicate that ACHD no longer has the delegated authority to implement and enforce the regulatory requirements. EPA is also notifying the public that each facility subject to the previously approved ACHD delegated chemical accident prevention program is required to maintain continuous compliance with applicable requirements. This action is being taken under the CAA.

DATES: This final rule is effective on April 4, 2019.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2018–0304. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 112(l) of the Clean Air Act (CAA) and 40 CFR part 63, subpart E, authorizes EPA to approve of State, and local, rules and programs to be implemented and enforced in place of certain CAA requirements, including the chemical accident prevention provisions set forth at 40 CFR part 68 (Chemical Accident Prevention Regulations). EPA promulgated the Chemical Accident Prevention Regulations (or risk management program (RMP) regulations) (RMP regulations) pursuant to CAA Section 112(r)(7). By letter dated June 15, 2001, ACHD requested delegation of authority to implement and enforce the RMP regulations for all sources, among other requests for delegation of other programs. On January 30, 2002, EPA issued a direct final rule, which became effective on April 1, 2002, approving ACHD's request for delegation of authority to implement and enforce EPA's RMP regulations, which had been adopted by reference from 40 CFR part 68, for all sources within Allegheny County, Pennsylvania, subject to such regulations. *See* 67 FR 4363 (January 30, 2002).

By letter dated July 28, 2017, ACHD formally notified EPA of its intent to voluntarily withdraw from EPA's delegation of authority to enforce the RMP regulations. On June 22, 2018 (83 FR 29085), EPA published a notice of proposed rulemaking (NPRM) for the Commonwealth of Pennsylvania. In the NPRM, EPA notified the public that ACHD had completed the regulatory process for voluntary withdrawal from EPA's delegation of authority to implement and enforce the RMP provisions of CAA section 112(r) and proposed a revision to 40 CFR 63.99(a)(39)(v), codifying the

withdrawal of EPA's delegation of authority.

The procedures for a State, or local authority, to voluntarily withdraw from a CAA approved rule, program or portion of a rule or program are set forth at 40 CFR 63.96(b)(7). In summary, these regulations and relevant EPA guidance provide that a State, or local authority, may voluntarily withdraw from an approved delegated program by notifying EPA and all affected sources of its intent to withdraw and the specific requirements subject to such withdrawal. Any such withdrawal is not effective sooner than 180 days after such notification to EPA. The State, or local authority, must also provide notice and opportunity for comment to the public. To the extent that any source that is affected by the withdrawal is also subject to a CAA operating permit issued pursuant to 40 CFR part 70, the State, or local authority, must reopen and revise such permit to the extent necessary.

II. Summary of Withdrawal Process and EPA Analysis

By letter dated July 28, 2017, ACHD notified EPA Region III of its intent to voluntarily withdraw from EPA's delegation of authority to enforce the RMP regulations. By letter dated November 9, 2017, ACHD notified EPA Region III that ACHD announced a public comment period to take comment on ACHD's voluntary withdrawal from EPA's delegation of authority to enforce the RMP regulations. The public comment period extended from November 10, 2017 to December 10, 2017. During this public comment period, ACHD did not receive any comments in response to the public comment notification. ACHD provided all applicable facilities with written notice that ACHD is voluntarily withdrawing from EPA's delegation of authority to enforce the RMP regulations set forth at 40 CFR part 68.

Pursuant to 40 CFR 63.96(b)(7), ACHD has determined which facilities, located in Allegheny County, are subject to the RMP regulations and have effective CAA Title V operating permits in accordance with 40 CFR part 70. As of June 22, 2018, sixteen (16) facilities within Allegheny County had submitted risk management plans to EPA and ACHD had issued Title V operating permits to twenty-eight (28) currently operating facilities. ACHD Title V operating permits incorporate the RMP regulations, set forth at 40 CFR part 68, by reference. Therefore, each facility, located in Allegheny County, Pennsylvania, that is subject to the RMP regulations and has an effective Title V operating permit has been issued a Title V permit which includes the proper citation to any applicable RMP regulation.

Upon a State's or local authority's voluntary withdrawal of a delegated program, in accordance with 40 CFR 63.96(b)(7), EPA is required to publish a time for sources subject to the previously approved State, or local, rule or program to come into compliance with applicable Federal requirements. Because, as part of its previously approved delegated program, ACHD incorporated the RMP regulations by reference, there is no distinction between ACHD's previously approved delegated program for implementing the requirements set forth at 40 CFR part 68 and the applicable Federal requirements set forth at 40 CFR part 68. Furthermore, EPA's delegation of authority to implement the requirements set forth at 40 CFR part 68 to ACHD stated in relevant part: ''Although ACHD has primary authority and responsibility to implement and enforce the . . . chemical accident prevention provisions, nothing shall preclude, limit, or interfere with the authority of EPA to exercise its enforcement, investigatory, and information gathering authorities concerning this part of the Act.'' *See* 67 FR 4366 (January 30, 2002); see also 40 CFR 63.96(b)(7)(iii). Therefore, all facilities located in Allegheny County, Pennsylvania, subject to any requirement set forth at 40 CFR part 68 are required to maintain continuous compliance with such requirement.

This action does not affect AHCD's responsibilities under Title V of the Clean Air Act. AHCD must continue to ensure compliance with Title V applicable requirements, including chemical accident prevention requirements. See 40 CFR 70.2, 68.215; 58 FR 29310. In addition, nothing in this action changes any source's obligation to comply with State or local laws. Affected sources may be subject to duplicative requirements, including duplicative reporting requirements to EPA and AHCD. This may include reporting to EPA under part 68, to the Title V permitting authority under 40 CFR 68.215, and to ACHD under their own rules. EPA received one set of comments in response to the June 22, 2018 NPRM. The comments did not concern any of the specific issues raised in the NPRM, nor did they address EPA's rationale for the proposed approval of ACHD's request. Therefore, EPA is not responding to those comments.

III. Final Action

EPA's review of this material indicates that ACHD has completed the regulatorily mandated process, set forth at 40 CFR 63.96(b)(7), for voluntary withdrawal from EPA's delegation of authority to enforce the Chemical Accident Prevention regulations set forth at 40 CFR part 68. EPA is revising 40 CFR 63.99(a)(39)(v) to indicate ACHD's withdrawal from EPA's delegation of authority to enforce the chemical accident prevention provisions set forth at 40 CFR part 68.

IV. Statutory and Executive Order Reviews

A. General Requirements

This action notifies the public that ACHD has completed the process for voluntary withdrawal from EPA's delegation of authority to enforce the chemical accident prevention provisions set forth at 40 CFR part 68, and the action updates 40 CFR 63.99(a)(39)(v) to indicate the withdrawal. The action does not impose additional requirements beyond those imposed by State and Federal law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement

Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to ACHD's voluntary withdrawal from EPA's delegation of authority to enforce the chemical accident prevention regulations under the Clean Air Act (CAA) may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 14, 2019.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 63.99 is amended by revising paragraph (a)(39)(v) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(39) * * *

(v) Allegheny County is not delegated the authority to implement and enforce the provisions of 40 CFR part 68 and all future unchanged amendments to 40 CFR part 68 at sources within Allegheny County, in accordance with the final rule, dated March 5, 2019, effective April 4, 2019.

* * * * *

[FR Doc. 2019–03849 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1710319998630–02]

RIN 0648–XG821

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; 2019 Red Snapper Commercial and Recreational Fishing Seasons

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; 2019 fishing seasons notification.

SUMMARY: NMFS announces the limited opening of commercial and recreational red snapper in the exclusive economic zone (EEZ) of the South Atlantic for the 2019 fishing year. This notice announces the red snapper commercial season opening date and the opening and closing dates for the red snapper recreational season, according to the accountability measures (AMs). This season announcement for South Atlantic red snapper allows fishers to maximize their opportunity to harvest the commercial and recreational annual catch limits (ACLs) while also managing harvest to protect the red snapper resource.

DATES: The 2019 commercial red snapper season opens at 12:01 a.m., local time, July 8, 2019. The 2019 recreational red snapper season opens at 12:01 a.m., local time, on July 12, 2019, and closes at 12:01 a.m., local time, on July 15, 2019; then reopens at 12:01 a.m., local time, on July 19, 2019, and closes at 12:01 a.m., local time, on July 21, 2019, unless changed by subsequent notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery includes red snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP, and the FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Regulatory Amendment 43 to the FMP (83 FR 35428; July 26, 2018) describes red snapper management measures including the specific timing for red snapper commercial and recreational fishing seasons. The final rule also revised the commercial and recreational ACLs for red snapper. The commercial AM requires the sector to close when commercial landings reach or are projected to reach the commercial ACL. The recreational AM is the length of the recreational season, with NMFS projecting the season length based on catch rate estimates from previous years.

The commercial ACL is 124,815 lb (56,615 kg), and this ACL was not exceeded in 2018. The recreational ACL is 29,656 fish, and preliminary landings information show this ACL was exceeded in the 6-day fishing season in 2018. For 2019, NMFS has determined that the landings from the recreational sector is expected to reach the recreational ACL in 5 days.

For South Atlantic red snapper, the commercial season begins each year on the second Monday in July and closes

when the commercial ACL is reached or is projected to be reached. Accordingly, the 2019 commercial season opens on July 8, 2019. The commercial season will remain open until 12:01 a.m., local time, on January 1, 2020, unless the commercial ACL is reached or projected to be reached prior to this date. During the commercial fishing season, the commercial trip limit is 75 lb (34 kg), gutted weight. NMFS will monitor commercial landings during the open season, and if commercial landings reach or are projected to reach the commercial ACL, then NMFS will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the fishing year.

The recreational season begins on the second Friday in July. Accordingly, the 2019 recreational red snapper season opens at 12:01 a.m., local time, on July 12, 2019, and closes at 12:01 a.m., local time, on July 15, 2019; then reopens at 12:01 a.m., local time, on July 19, 2019, and closes at 12:01 a.m., local time, on July 21, 2019. During the recreational season, the recreational bag limit is one red snapper per person, per day. After the recreational sector closure, the bag and possession limits for red snapper are zero.

Additionally, during both the commercial and recreational open seasons, there is not a red snapper minimum or maximum size limit for either sector.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic red snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.183(b)(5)(i) and 622.193(y) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to implement the notice of the dates for the red snapper fishing seasons constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary. Such procedures are unnecessary, because the rule establishing the red snapper ACLs and AMs has already been subject to notice and comment, and all that remains is to notify the public of the respective commercial and recreational fishing seasons. Additionally, announcing the fishing seasons now allows each sector to prepare for the upcoming harvest and provides opportunity to for-hire fishing vessels to book trips that could increase their revenues and profits.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 28, 2019.

Karen H. Abrams,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2019–03933 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 180724688–9135–02]

RIN 0648–BI39

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revisions to Red Snapper and Hogfish Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures described in two framework actions to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Gulf), as prepared by the Gulf of Mexico Fishery Management Council (Council). The framework actions are titled ''Modify the Annual Catch Limit (ACL) for the Gulf Red Snapper and Hogfish Stocks'' (ACL Framework Action) and ''Modify the Red Snapper Recreational Annual Catch Targets (ACT)'' (ACT Framework Action). This final rule modifies Gulf red snapper commercial and recreational ACLs (quotas) and ACTs, as well as the Gulf hogfish (West Florida stock) stock ACL, as a result of recent stock assessments for each species. Additionally, this final rule reduces the Federal charter vessel/headboat (for-hire) component's red snapper ACT buffer to a level that will allow a greater harvest in 2019 while continuing to constrain landings to the component and total recreational ACLs. The purposes of this final rule are to respond to updated stock assessment information, maximize socio-economic opportunities for red snapper in the Federal for-hire component, and to continue to achieve optimum yield (OY) for each stock.

DATES: This final rule is effective April 4, 2019.

ADDRESSES: Electronic copies of the two framework actions, each including an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act (RFA) analysis, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/framework-action-modification-recreational-red-snapper-annual-catch-target-buffers-0.*

FOR FURTHER INFORMATION CONTACT: Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery under the FMP. The FMP, which includes red snapper and hogfish, was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

On December 4, 2018, NMFS published a proposed rule for the framework actions and requested public comment (83 FR 62555). The proposed rule and the framework actions outline the rationale for the actions contained in this final rule. A summary of the management measures described in the framework actions and implemented by this final rule is described below.

All weights described in this final rule are in round (whole) weight.

Background

Red Snapper

The current red snapper stock ACL is equal to the acceptable biological catch (ABC) of 13.74 million lb (6.23 million kg); 51 percent is allocated to the commercial sector and 49 percent to the recreational sector. The recreational sector's ACL is further divided into the private angling component (57.7 percent) and Federal for-hire component (42.3 percent). In addition, recreational ACTs are in place for the recreational sector and its respective components to reduce the likelihood of exceeding the respective ACLs. The commercial sector does not have an ACT because it is managed under an individual fishing

quota program that effectively constrains landings to the commercial ACL.

The current red snapper sector ACLs are 7.007 million lb (3.178 million kg) for the commercial sector and 6.733 million lb (3.054 million kg) for the recreational sector. The current recreational component ACLs are 2.848 million lb (1.292 million kg) for the for-hire component and 3.885 million lb (1.762 million kg) for the private angling component.

The current red snapper recreational ACT is 5.386 million lb (2.443 million kg). The Federal for-hire component ACT is 2.278 million lb (1.033 million kg) and the private angling component ACT is 3.108 million lb (1.410 million kg). The component ACLs and ACTs are effective through 2022, after which sector separation ends and the recreational sector will be managed through a recreational ACL and an ACT, but no component ACLs or ACTs.

The Southeast Data, Assessment, and Review (SEDAR) 52 stock assessment for Gulf red snapper indicated the Gulf red snapper stock is not overfished or undergoing overfishing, and is still rebuilding consistent with the plan to rebuild the stock by 2032. Based on the SEDAR 52 results, the Scientific and Statistical Committee (SSC) determined the red snapper ABC could be increased, and recommended two different ABC options to the Council: A declining yield stream and a constant catch scenario. The Council used the constant catch recommendation to set the ABC at 15.1 million lb (6.85 million kg).

Because the Federal for-hire component has not exceeded its applicable ACL or ACT, the ACT Framework Action was developed to reduce the buffer between the Federal for-hire component ACT and ACL. The Council did not consider decreasing the private angling component ACT buffer because this component exceeded its ACL in 2 of the past 3 years. Application of the Council's ACL/ACT Control Rule resulted in a suggested buffer of 9 percent for the Federal for-hire component. The Council decided to change the Federal for-hire component ACT for the 2019 fishing year to reflect this reduced buffer. All five Gulf states received exempted fishing permits (EFPs) from NMFS for the 2018 and 2019 fishing years to allow them to test limited state management of the private angling component. Each state was allocated a percentage of the private angling ACL and each state determined whether to manage a reduced portion of its ACL to account for management uncertainty. Therefore, the Council determined that the reduction in the Federal for-hire component ACT buffer should be limited to 2019.

Hogfish

The West Florida stock of hogfish is contained completely within the jurisdiction of the Council and includes hogfish in the Gulf exclusive economic zone (EEZ) except south of 25°09′ N lat. off the west coast of Florida. As implemented through Amendment 43 to the FMP, the West Florida stock ACL is 159,300 lb (72,257 kg) for the 2019 and subsequent fishing years (82 FR 34574, July 25, 2017). The stock ACL is equal to the ABC. There is no ACT designated for West Florida hogfish.

The SEDAR 37 Update assessment for the West Florida hogfish stock indicated the West Florida stock is not overfished or undergoing overfishing. The Council's SSC reviewed the assessment in May 2018, and provided new ABC recommendations based on an increasing yield stream. As a result of uncertainties in the update assessment, the SSC did not provide ABC recommendations beyond 2021.

Management Measures Contained in This Final Rule

For red snapper, this final rule revises the commercial and recreational sector ACLs and ACTs. For the 2019 fishing year, the for-hire component ACT will be set 9 percent below the component ACL. For hogfish, this final rule revises the stock ACL for the West Florida stock.

Red Snapper ACLs, ACTs, and For-Hire Component ACT Buffer

Through this final rule, the total red snapper ACL will increase from 13.74 million lb (6.23 million kg) to 15.1 million lb (6.85 million kg). Using the current sector allocation ratios, the resulting ACLs are 7.701 million lb (3.493 million kg) for the commercial sector, 7.399 million lb (3.356 million kg) for the recreational sector, 3.130 million lb (1.420 million kg) for the Federal for-hire component, and 4.269 million lb (1.936 million kg) for the private angling component.

As described in the ACT Framework Action, this final rule temporarily reduces the Federal for-hire component ACL/ACT buffer from 20 percent to 9 percent in 2019, which in turn increases the Federal for-hire component ACT. This consequently increases the recreational ACT as it is the sum of the Federal for-hire and private angling component's ACTs.

For the 2019 fishing year, the recreational ACT is 6.263 million lb (2.841 million kg) and the Federal for-hire component ACT is 2.848 million lb (1.292 million kg). For 2020 and subsequent fishing years, the recreational ACT will be 5.919 million lb (2.830 million kg) and the Federal for-hire component ACT will be 2.504 million lb (1.136 million kg) for the 2020 through 2022 fishing years. The private angling component ACT will be 3.415 million lb (1.549 million kg) for the 2019 through 2022 fishing years.

Hogfish Stock ACL

The ACL Framework Action sets the hogfish stock ACLs equal to the Council's SSC recommended ABCs of 129,500 lb (58,740 kg) for 2019, 141,300 lb (64,093 kg) for 2020, and 150,400 lb (68,220 kg) for 2021 and subsequent fishing years, unless changed by the Council.

Comments and Responses

A total of 12 comments were received on the proposed rule for the framework actions. Several comments expressed support for increasing the red snapper ACLs, decreasing the buffer between the Federal for-hire component ACL and ACT, and reducing the hogfish ACL. Other comments were outside the scope of this action and are not responded to here. These include comments related to changing the recreational season, increasing the red snapper bag limit, and allocating the hogfish ACL between the commercial and recreational sectors. Comments that are specific to the actions in the proposed rule are summarized and responded to below. No changes to this final rule were made as a result of these public comments.

Comment 1: The 20 percent buffer for Federal for-hire component between the ACL and ACT should be maintained as a precautionary measure to minimize the chance of recreational harvests exceeding the ACL.

Response: NMFS does not agree that the 20 percent buffer for Federal for-hire component between the ACL and ACT should be maintained in 2019. The Federal for-hire component has not exceeded its ACL or ACT since sector separation was established in 2015 in Amendment 40 to the FMP (80 FR 22422, April 22, 2015). Therefore, the Council re-evaluated the established buffer for the Federal for-hire component. The 9 percent buffer selected by the Council was derived using the ACL/ACT Control Rule, which evaluates factors such as whether there are recent harvest overages, the percent standard error in Federal for-hire landing estimates, stock status, and whether in-season accountability measures are used. This reduction in the buffer is precautionary because it takes

into account recent information that indicates NMFS can project a season length that constrains for-hire landings to the ACT, and is effective only for 2019 to coincide with the second year of Gulf state management of the private angling component under the EFPs.

Comment 2: Instead of reducing the red snapper buffer between the Federal for-hire component ACL and ACT, there should be more days added to the Federal for-hire fishing season as a result of the increase in the ACL.

Response: NMFS expects the increase in the Federal for-hire ACL as well as the reduction in the buffer between the Federal for-hire component ACL and ACT to allow more fishing days for the Federal for-hire component. NMFS is required to project the length of the Federal for-hire season length based on the ACT. Regardless of the ACL, reducing the buffer between the ACT and ACL will increase the ACT, and a larger ACT is expected to result in a longer Federal for-hire season length.

Comment 3: One comment expressed confusion about how the hogfish minimum size limit is relevant to the action to reduce the red snapper Federal for-hire component buffer.

Response: The hogfish minimum size limit is not relevant to action to reduce the Federal for-hire component buffer, and was not discussed in this context. This final rule combines two framework actions submitted by the Council: (1) The ACL Framework Action, which increases the red snapper ACLs and ACTs and decreases the hogfish stock ACL; and (2) the ACT Framework Action, which addresses only changing the red snapper buffer between the Federal for-hire component ACL and ACT. In the ACL Framework Action, the red snapper minimum size limit is discussed relative to the red snapper ACL and ACT increases and the hogfish minimum size limit, which was increased in 2017, is discussed relative to the hogfish ACL decrease. There is no comparison of the minimum size limits between these two species. Similarly, the proposed rule mentions the recent change in the hogfish minimum size limit only in the discussion of the change to the hogfish ACL. Neither the ACT Framework Action nor the section of the of the proposed rule addressing that action discusses the hogfish minimum size limit.

Comment 4: It is not clear why the hogfish ACL needs to be reduced so soon after increasing the minimum size limit.

Response: The reduction to the West Florida hogfish stock ACL is based on the ABC recommendation of the Council's SSC. The SSC's recommendation was based on the 2018 SEDAR 37 update stock assessment and accounts for increased uncertainty in the stock assessment results. Because the ACL cannot exceed the ABC, the Council determined the ACL should be changed to equal the new ABC.

Classification

The Regional Administrator for the NMFS Southeast Region has determined that this final rule is consistent with the framework actions, the FMP, the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

The Magnuson-Stevens Act provides the statutory basis for this final rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) during the proposed rule stage that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments from the public or SBA's Chief Counsel for Advocacy were received regarding the certification, and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Commercial, Fisheries, Fishing, Hogfish, Gulf, Recreational, Red snapper.

Dated: February 27, 2019.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.39, revise paragraphs (a)(1)(i) and (a)(2)(i) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(i) Commercial quota for red snapper—7.701 million lb (3.493 million kg), round weight.

* * * * *

(2) * * *

(i) *Recreational quota for red snapper*—(A) *Total recreational.* The total recreational quota is 7.399 million lb (3.356 million kg), round weight.

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective through the 2022 fishing year. For the 2023 and subsequent fishing years, the applicable total recreational quota, specified in paragraph (a)(2)(i)(A) of this section, will apply to the recreational sector. The Federal charter vessel/headboat component quota is 3.130 million lb (1.420 million kg), round weight.

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component quota is effective through the 2022 fishing year. For the 2023 and subsequent fishing years, the applicable total recreational quota, specified in paragraph (a)(2)(i)(A) of this section, will apply to the recreational sector. The private angling component quota is 4.269 million lb (1.936 million kg), round weight.

* * * * *

■ 3. In § 622.41, revise paragraphs (p) and (q)(2)(iii) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(p) *Hogfish in the Gulf EEZ except south of 25°09′ N lat. off the west coast of Florida.* If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for hogfish, in round weight, in the

Gulf EEZ except south of 25°09′ N lat. off the west coast of Florida, is 129,500 lb (58,740 kg), for the 2019 fishing year, 141,300 lb (64,093 kg), for the 2020 fishing year, and 150,400 lb (68,220 kg) for the 2021 fishing year and subsequent fishing years. See § 622.193(u)(2) for the ACLs, ACT, and AMs for hogfish in the Gulf EEZ south of 25°09′ N lat. off the west coast of Florida.

(q) * * *

(2) * * *

(iii)(A) *Total recreational ACT.* For the 2019 fishing year, the total recreational ACT is 6.263 million lb (2.841 million kg), round weight. For the 2020 and subsequent fishing years, the total recreational ACT is 5.919 million lb (2.830 million kg), round weight.

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective through the 2022 fishing year. For the 2019 fishing year, the component ACT is 2.848 million lb (1.292 million kg), round weight. For the 2020, 2021, and 2022 fishing years, the component ACT is 2.504 million lb (1.136 million lb), round weight. For the 2023 and subsequent fishing years, the applicable total recreational ACT, specified in paragraph (q)(2)(iii)(A) of this section, will apply to the recreational sector.

(C) *Private angling component ACT.* The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. This component ACT is effective through the 2022 fishing year. The component ACT is 3.415 million lb (1.549 million kg), round weight. For the 2023 and subsequent fishing years, the applicable total recreational ACT, specified in paragraph (q)(2)(iii)(A) of this section, will apply to the recreational sector.

[FR Doc. 2019–03900 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 84, No. 43
Tuesday, March 5, 2019

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0993; Product Identifier 2018–NE–18–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG TAY 650–15 and TAY 651–54 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) TAY 650–15 and TAY 651–54 turbofan engines with low-pressure compressor (LPC) fan blade module M01300AA or M01300AB, installed. This proposed AD was prompted by reports of LPC fan blade retention lug fractures on engines with a high number of dry-film lubrication (DFL) treatments. This proposed AD would require determining the number of DFL treatments applied on each LPC fan blade, and removing from service and replacing the affected LPC fan blades if the DFL treatment limit is exceeded. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 19, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12 140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For RRD service information identified in this NPRM, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33–7086–1883; fax: +49 (0) 33–086–3276. You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0993; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wego Wang, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0993; Product Identifier 2018–NE–18–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0079, dated April 11, 2018 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> Fractures of LPC fan blade retention lugs were reported on engines that had been subjected to a high number of Dry Film Lubrication (DFL) treatments. Subsequent investigation determined that this had exposed the retention lugs of the affected LPC (fan) blades to excessively high stress cycles.
>
> This condition, if not detected and corrected, could lead to failure of LPC fan blade retention lug(s), high vibration, reduced thrust or in-flight shut down, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, RRD issued original issue of Alert NMSB TAY–72–A1833 to provide identification and replacement instructions and EASA issued AD 2017–0217 to require determination of the number of DFL treatments applied to the LPC fan blades and, based on that determination, fan blade(s) replacement. That AD also introduced the maximum allowable number of DFL treatments applicable to the LPC fan blades.
>
> Since that AD was issued, RRD issued the NMSB to update the calculation methodology which was provided to determine the number of DFL treatments, in case that number could not be identified from the engine maintenance records. The new calculation methodology, compared with the methodology provided in the original issue of the RRD Alert NMSB TAY–72–A1833 can lead, in some cases of LPC fan blades with TAY 651–54 operation history, to earlier replacement of blades.
>
> For the reasons described above, this AD retains the requirements of EASA AD 2017–0217, which is superseded, but refers to an updated alternative method to determine the number of DFL treatments.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0993.

Related Service Information Under 1 CFR Part 51

We reviewed RRD Alert Non-Modification Service Bulletin (NMSB) TAY–72–A1833, Revision 1, dated

January 8, 2018. The Alert NMSB describes procedures for determining the number of DFL treatments on each LPC fan blade by reviewing the engine maintenance records or using an alternative method of counting, and replacing the LPC fan blade with a part eligible for installation if the DFL treatment limit is exceeded. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require reviewing engine maintenance records or using an alternative method of counting and replacing the LPC fan blade with a part eligible for installation if the DFL treatment limit is exceeded.

Costs of Compliance

We estimate that this proposed AD affects 76 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect LPC fan blades	11 work-hours × $85 per hour = $935	$0	$935	$71,060

We estimate the following costs to do any necessary replacement of a single LPC fan blade that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need replacement of the LPC fan blades.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace LPC fan blade	16 work-hours × $85 per hour = $1,360	$10,750	$12,110

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2018–0993; Product Identifier 2018–NE–18–AD.

(a) Comments Due Date

We must receive comments by April 19, 2019.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) TAY 650–15 and TAY 651–54 turbofan engines with low-pressure compressor (LPC) fan blade module M01300AA or M01300AB, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of LPC fan blade retention lug fractures on engines with a high number of dry-film lubrication (DFL) treatments. We are issuing this AD to prevent failure of the LPC fan blade retention lug. The unsafe condition, if not addressed, could result in loss of engine thrust control and reduced control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

(1) Within 30 days after the effective date of this AD, determine whether the engine is a Group 1 or Group 2 engine as follows:

(i) A Group 1 engine is an affected RRD TAY 650–15 or TAY 651–54 turbofan engine with a LPC fan blade, part number (P/N) JR31911, P/N JR33865, or P/N JR33866, and with a serial number (S/N) listed in Appendix 1 of RRD Alert Non-Modification Service Bulletin (NMSB) TAY–72–A1833, Revision 1, dated January 8, 2018.

(ii) A Group 2 engine is any other RRD TAY 650–15 or TAY 651–54 turbofan engine with LPC fan blade module M01300AA or M01300AB, installed.

(2) For Group 1 and 2 engines: Within 30 days after the effective date of this AD, determine the number of DFL treatments on each affected LPC fan blade by reviewing the maintenance records or using the alternative method specified in the Accomplishment Instructions, paragraph 3.D. or 3.Q., of RRD Alert NMSB TAY–72–A1833, Revision 1, dated January 8, 2018.

(3) Depending on the results of the maintenance record review or the alternative method specified above, do the following, as applicable:

(i) For Group 1 and 2 engines: If the number of LPC fan blades with DFL treatments is fewer than 13, mark the LPC fan blade dovetail root with a suffix code during the next scheduled LPC fan blade removal using the Accomplishment Instructions, paragraph 3.J. or 3.U., of RRD Alert NMSB TAY–72–A1833, Revision 1, dated January 8, 2018.

(ii) For Group 1 engines: If LPC fan blades with 13 to 20 DFL treatments are installed on more than one engine on the same airplane, within 500 flight hours after the effective date of this AD, use one of the three options in the Accomplishment Instructions, paragraph 3.F., of RRD Alert NMSB TAY–72–A1833, Revision 1, dated January 8, 2018, to ensure that no LPC fan blade with 13 to 20 DFL treatments is installed on more than one engine on the same airplane.

(iii) For Group 1 and 2 engines: If it is determined that the number of DFL treatments is equal to or more than the value defined in Table 1 of paragraph (g) of this AD, remove the LPC fan blade from service and replace with a part eligible for installation within the compliance times specified in Table 1 of paragraph (g) of this AD.

Table 1 – LPC Fan Blade Replacement

Group	DFL Treatments	Compliance Time
1	20 or more	Within 500 flight hours after the effective date of this AD
2	13 or more	Within 500 flight hours after the effective date of this AD

(h) Installation Prohibition

After the effective date of this AD, do not install an affected LPC fan blade or LPC module M01300AA or M01300AB, onto any engine or install any engine with an affected LPC fan blade or LPC module M01300AA or M01300AB, onto any airplane unless it has been first determined that the LPC fan blades have had less than 13 DFL treatments, and have been marked in accordance with the Accomplishment Instructions, paragraph 3.J. or 3.U, of RRD Alert NMSB TAY–72–A1833, Revision 1, dated January 8, 2018.

(i) Definitions

(1) A part eligible for installation is a LPC fan blade that has had 12 or fewer DFL treatments and is marked on the LPC fan blade dovetail root with a suffix code depicting the number of DFL treatments.

(2) An affected fan blade is an LPC fan blade, P/N JR31911, P/N JR33865, or P/N JR33866, and with an S/N listed in Appendix 1 of RRD Alert NMSB TAY–72–A1833, Revision 1, dated January 8, 2018.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (k)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

(1) For more information about this AD, contact Wego Wang, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7134; fax: 781–238–7199; email: *wego.wang@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA), AD 2018–0079, dated April 11, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0993.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33–7086–1883; fax: +49 (0) 33–7086–3276. You may view this referenced service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on February 21, 2019.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2019–03642 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0116; Product Identifier 2018–NM–152–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive fuel airworthiness limitations. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 19, 2019.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0116; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2019–0116; Product Identifier 2018–NM–152–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0231, dated October 25, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> The Airworthiness Limitations for the Airbus A320 family aeroplanes, which are approved by EASA, are currently defined and published in the A318/A319/A320/A321 ALS document(s). The Fuel Airworthiness Limitations (FAL) are published in ALS Part 5.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> Previously, EASA issued AD 2017–0169 [which correlates to FAA AD 2018–17–21, Amendment 39–19375 (83 FR 44209, August 30, 2018) (''AD 2018–17–21'')] to require accomplishment of all maintenance tasks and replacement of life limited parts as described in ALS Part 5 at Revision 04.
>
> Since that [EASA] AD was issued, Airbus published the ALS, including new and/or more restrictive requirements, and new A320 family models were certified and added to the Applicability.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2017–0169, which is superseded, expands the Applicability and requires accomplishment of the actions specified in the ALS.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0116.

Relationship Between Proposed AD and AD 2018–17–21

This NPRM does not propose to supersede AD 2018–17–21. Rather, we have determined that a stand-alone AD is more appropriate to address the changes in the MCAI. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive fuel airworthiness limitations. Accomplishment of the proposed actions would then terminate all of the requirements of AD 2018–17–21.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 5 Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018. This service information describes fuel airworthiness limitations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or

inspection program, as applicable, to incorporate new or more restrictive fuel airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

The MCAI requires the repetitive replacement of certain components, and, for findings from the airworthiness limitations section (ALS) inspection tasks, the MCAI requires corrective actions in accordance with Airbus maintenance documentation. However, this proposed AD does not include those requirements. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address those actions.

Costs of Compliance

We estimate that this proposed AD affects 1,458 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD.

We have determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although we recognize that this number may vary from operator to operator. In the past, we have estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), we have determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, we estimate the total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

This proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes and associated appliances to the Director of the System Oversight Division.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Airbus SAS: Docket No. FAA–2019–0116; Product Identifier 2018–NM–152–AD.

(a) Comments Due Date

We must receive comments by April 19, 2019.

(b) Affected ADs

This AD affects AD 2018–17–21, Amendment 39–19375 (83 FR 44209, August 30, 2018) (''AD 2018–17–21'').

(c) Applicability

This AD applies to the Airbus SAS airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before June 13, 2018.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. We are issuing this AD to address the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 5 Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018. The initial compliance time for doing the tasks is at the time specified in Airbus A318/A319/A320/

A321 Airworthiness Limitations Section (ALS) Part 5 Fuel Airworthiness Limitations (FAL), Revision 05, dated June 13, 2018, or within 90 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action for AD 2018–17–21

Accomplishing the actions required by this AD terminates all requirements of AD 2018–17–21.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(ii) AMOCs approved previously for AD 2018–17–21 are approved as AMOCs for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0231, dated October 25, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0116.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on February 27, 2019.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–03830 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–1074; Airspace Docket No. 18–AWP–29]

RIN 2120–AA66

Proposed Modification of Class E Airspace, Hawaiian Islands, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Hawaiian Islands Class E domestic airspace extending upward from 1,200 feet and 5,500 feet above the surface of the earth by removing that portion that extends beyond the Territorial Sea. This action would support the operation of Instrument Flight Rules (IFR) under standard instrument approach and departure procedures in the Hawaiian Islands, for the safety and management of aircraft within the National Airspace System.

DATES: Comments must be received on or before April 19, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–1074; Airspace Docket No. 18–AWP–29, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11C at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th St., Des Moines, WA 98198–6547; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify Class E airspace extending upward from 1200 feet above the surface for the Hawaiian Islands, HI, to support IFR operations in standard instrument approach and departure procedures at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–1074/Airspace Docket No. 18–AWP–29''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th St, Des Moines, WA, 98198–6547.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11C is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11C lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying the Hawaiian Islands, HI, Class E5 domestic airspace extending upward from 1,200 feet and 5,500 feet above the surface of the earth. The FAA identified that the Hawaiian Islands Class E airspace was established, in error, beyond the United States Territorial Sea and into international airspace. The Territorial Sea of the United States was defined by Presidential Proclamation number 5928, on December 27, 1988, as that area extending to 12 nautical miles beyond the land territory and internal waters of the United States and the airspace above it. This action would modify the Class E Airspace extending upward from 1,200 feet above the surface of the earth by modifying the airspace's outer boundary to coincide with the Hawaiian Islands' Territorial Sea and remove the Class E airspace that extends upward from 5,500 feet above the surface of the earth. This action removes references to the Hilo and South Kauai VORTACs in the legal description for the Class E airspace extending upward from 1,200 feet. The airspace is being redesigned without the use of these references. This legal description considers the Hawaiian Islands as an archipelagic whole consistent with the definition established in the Constitution of the State of Hawaii. This designation includes all islands, together with their appurtenant reefs and territorial and archipelagic waters, included in the Territory of Hawaii on the date of enactment of the Admission Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters; but this State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island) or Kingman Reef, together with their appurtenant reefs and territorial waters. This action is being submitted coincidental with an FAA proposal, submitted on 04/11/18, NPRM FAA–2017–1013, 83 FR 15521, to establish Hawaiian Islands' High and Low Offshore Airspace Areas within international airspace. The Offshore Airspace would extend from the Hawaiian Islands' Territorial Sea outward to the boundary of the Flight Information Region. The proposal for offshore airspace will provide for the application of domestic air traffic control procedures, beyond the Territorial Sea, within areas of domestic radio navigational signal or Air Traffic Control radar coverage.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, and is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWP HI E5 Hawaiian Islands, HI [Amended]

That airspace extending upward from 1,200 feet above the surface within 12 NM of the Hawaiian Islands shoreline Beginning at lat. 22°06′28″ N, long. 159°04′39″ W, to lat. 21°46′57″ N, long. 158°14′41″ W, to 12 NM from the shoreline of Oahu.

Thence, clockwise along the line 12 NM from and parallel to the shoreline of the State of Hawaii, to lat. 20°30′29″ N, long. 155°53′40″ W, to lat. 20°28′08″ N, long. 155°52′03″ W, to 12 NM from the shoreline of Hawaii.

Thence, clockwise along the line 12 NM from and parallel to the shoreline of Hawaii to lat. 20°03′26″ N, long. 156°05′30″ W, to lat. 20°22′48″ N, long. 156°18′51″ W, to 12 NM from the shoreline of Maui.

Thence clockwise along the line 12 NM from and parallel to the shoreline of the State of Hawaii, to lat. 21°25′19″ N, long. 158°26′08″ W, to lat. 21°44′34″ N long. 159°15′27″ W, to 12 NM from the shoreline of Kauai.

Thence, clockwise along the line 12 NM from and parallel to the shoreline of the State of Hawaii to the beginning.

Issued in Seattle, Washington, on February 20, 2019.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2019–03835 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0816; Airspace Docket No. 18–AWP–7]

RIN–2120–AA66

Proposed Establishment of Class E Airspace, Boulder City, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Boulder City Muni Airport, NV. This action would support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System.

DATES: Comments must be received on or before April 19, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0816; Airspace Docket No. 18–AWP–7, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11C, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S. 216th St, Des Moines, WA, 98198–6547; telephone (206) 231–2245.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Boulder City Muni Airport, NV to support IFR operations in standard instrument approach and departure procedures at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0816/Airspace Docket No. 18–AWP–7''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center,

Operations Support Group, 2200 S. 216th St, Des Moines, WA, 98198–6547.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Boulder City Muni, NV. The Class E airspace extending upward from 700 feet above the surface would be established by adding Class E airspace within a radius of 4.25 miles of the airport and 1.25 miles each side of the 299° bearing extending from the 4.25-mile radius to 6 miles northwest from the airport. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11C, dated August 13, 2018, and effective September 15, 2018, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, and is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11C, Airspace Designations and Reporting Points, dated August 13, 2018, and effective September 15, 2018, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Boulder City, NV [New]

Boulder City Muni Airport, NV
(Lat. 35°56′51″ N, long. 114°51′41″ W)

That airspace extending upward from 700 feet above the surface within a 4.25 mile radius of Boulder City Muni Airport and that airspace 1.25 miles each side of the 299° bearing from the 4.25 mile radius to 6.00 miles from the airport.

Issued in Seattle, Washington, on February 26, 2019.

Stephanie C. Harris,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2019–03838 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2019–0094; Airspace Docket No. 15–AWP–17]

RIN 2120–AA66

Proposed Establishment of Restricted Area R–7202; Guam, GU

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish restricted area R–7202 on the island of Guam, GU. With the relocation of United States Marine Corps (USMC) forces from Okinawa, Japan to Guam, there is a requirement to establish a safe and effective area for live-fire small arms weapons training. The proposed restricted area would provide the protection required to contain these hazardous activities and the weapons safety footprints for the ordnance to be used within the proposed airspace. No hazardous aviation activities will be authorized in this area.

DATES: Comments must be received on or before April 19, 2019.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket Number FAA–2019–0094; Airspace Docket No. 15–AWP–17 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with

prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish restricted airspace at Guam, GU, to contain activities deemed hazardous to nonparticipating aircraft.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket Number FAA–2019–0094; Airspace Docket No. 15–AWP–17) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket Number FAA–2019–0094; Airspace Docket No. 15–AWP–17.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Background

In 2007 U.S. Pacific Command (PACOM) designated Commander, US Pacific Fleet as the executive agent of the development of the consolidated Department of Defense (DoD) Special Use Airspace (SUA) proposal for the USMC relocation to Guam. A DoD working group began active discussions with the FAA. Since November 2007, the working group and the FAA have coordinated on air traffic control issues, SUA proposal integration, and International Civil Aviation Organization (ICAO) rules. In an effort to reduce redundancies by the DoD while seeking SUA throughout the Commonwealth of the Northern Mariana Islands (CNMI) and Guam, PACOM submitted a consolidated DoD SUA Proposal.

While some of the specific SUA will be primarily used by one uniformed service over others, it is the intent that all of the proposed airspace actions will be used by all forward deployed PACOM forces. This will create the smallest footprint and allow for joint use of each type of airspace, posing the least impact to the airspace for all other users. The proposal was divided into four sub-phases outlining different airspace requirements. The second phase (Phase 2) consists of the creation of restricted airspace on the northern portion of Guam, to be designated as R–7202. The proposed R–7202 airspace is needed in order to contain vertical hazards associated with the creation of USMC Live-Fire Training Range Complex (LFTRC).

This proposed SUA activities would allow training to proceed on a scale, from small-scale and individual-level training in basic military skills to large-scale training involving a Marine Air Ground Task Force and/or joint forces. Live-fire training events are critical to preparing for combat at each level of training. Currently, the Using Agency does not have sufficient range and special use airspace space to conduct the live-fire training required.

Through analysis and a series of studies, proposed R–7202 has been identified as the only feasible area capable of supporting this level of training for USMC forces in the region. Failure to establish live-fire ranges supported by R–7202 would result in the inability to train and maintain combat readiness skills for Marines. These skills are critical to supporting USMC readiness for real world operations. Activities conducted within the proposed restricted area include live-fire from pistols, rifles, and machine guns. No existing SUA within CNMI accommodates the identified types of activities. The activities within the proposed establishment of R–7202 are to meet the overall training objectives of the DoD.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 73 to establish R–7202 Guam, GU. The FAA is proposing this action at the request of the USMC. The proposed restricted areas are described below.

R–7202 would be established on the northern tip of Guam and northwest of Anderson Air Force Base (AFB) abutting the Anderson AFB Class D. The altitudes would be from the surface to 4,900 feet MSL.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.72 Guam [Amended]

■ 2. § 73.72 is amended as follows:

* * * * *

R–7202 Guam, GU [New]

Boundaries. Beginning at lat. 13°38′25″ N, long. 144°51′39″ E; to lat. 13°39′37″ N, long. 144°51′03″ E; to lat. 13°41′02″ N, long. 144°51′32″ E; to lat. 13°41′52″ N, long. 144°52′48″ E; to lat. 13°41′17″ N, long. 144°53′55″ E; to lat. 13°39′47″ N, long. 144°53′55″ E; to lat. 13°38′50″ N, long. 144°53′10″ E; to lat. 13°38′29″ N, long. 144°52′54″ E; to lat. 13°38′29″ N, long. 144°52′51″ E; to lat. 13°38′08″ N, long. 144°52′37″ E; to lat. 13°38′03″ N, long. 144°52′20″ E; to the point of beginning.

Designated altitudes. Surface to 4,900 feet MSL.

Time of designation. 0600–2200 local time, daily—other times by NOTAM.

Controlling Agency. FAA Guam Combined Air Route Traffic Control Center/Radar Approach Control (CERAP).

Using Agency. U.S. Marine Corps, Commanding Officer, Marine Corps Base (MCB) Guam.

* * * * *

Issued in Washington, DC, on February 27, 2019.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2019–03931 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0857]

RIN 1625–AA09

Drawbridge Operation Regulation; St. Johns River, Putnam County, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Buffalo Bluff CSX Railroad Bridge across the St. Johns River, mile 94.5, at Satsuma, Putnam County, FL. The proposed rulemaking would allow the bridge to be remotely monitored and operated from the CSX Railroad Bridge across the Ortega River (McGirts Creek) located at mile 1.1 on the Ortega River. The proposed rule would also allow the draw to remain in the full, open position unless a train is in the circuit.

DATES: Comments and related material must reach the Coast Guard on or before May 6, 2019.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0857 using Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT Emily T. Sysko, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone 904–714–7616, email *Emily.T.Sysko@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The bridge owner, CSX Transportation, requested the Coast Guard consider allowing remote operation of the Buffalo Bluff CSX Railroad Bridge across the St. Johns River, mile 94.5, at Satsuma, Putnam County, Florida. On April 27, 2017, the Coast Guard published a notice of temporary deviation from drawbridge regulation with request for comments in the **Federal Register** (82 FR 08886) to test proposed changes. No comments were received during the test period.

The Buffalo Bluff CSX Railroad Bridge across the St. Johns River is a bascule bridge. The bridge is currently manned and maintained in the open position. It has a vertical clearance of 7 feet at mean high water in the closed position and a horizontal clearance of 90 feet.

The Coast Guard is issuing this NPRM under authority 33 U.S.C. 499.

III. Discussion of Proposed Rule

The Coast Guard proposes to modify the operating schedule that governs the Buffalo Bluff CSX Railroad Bridge across St. Johns River, mile 94.5, at Satsuma, Putnam County, FL. The bridge is currently manned and maintained in the open position.

This proposed rule would allow the bridge to be remotely monitored and operated. Visual monitoring of the waterway shall be maintained with the use of cameras and the detection of vessels under the span shall be accomplished with detection sensors. Marine radio communication shall be maintained with mariners near the bridge for the safety of navigation. The remote tender may also be contacted via telephone at (386) 649–8538. The span is normally in the fully open position and will display green lights to indicate that the span is fully open. When a train approaches, the remote tender shall monitor for vessels approaching the bridge. The remote tender shall warn approaching vessels via marine radio, channel 9 VHF of a bridge lowering. Provided the sensors do not detect a vessel under the span, the tender shall initiate the span lowering sequence, which includes the sounding of a horn and the displaying of red lights. The span will remain in the down position for a minimum of eight minutes or for the entire time the approach track circuit is occupied. After the train has cleared the bridge track circuit, the span shall open and the green lights will be displayed. This proposed rule would allow vessels to pass through the bridge while taking into account the reasonable needs of other modes of transportation.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive Orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

The economic impact of this proposed rule is not significant for the following reasons: (1) The draw will remain open

for vessel traffic except when trains are passing; and (2) vessels that can transit under the bridge without an opening may do so at anytime.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

We have considered the impact of this proposed rule on small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review under paragraph L 49 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.325 by adding paragraph (c) to read as follows:

§ 117.325 St. Johns River.

* * * * *

(c) The draw for the Buffalo Bluff CSX automated Railroad Bridge, St. Johns River, mile 94.5 at Satsuma, Putnam County, FL shall operate as follows:

(1) The bridge is not tendered locally, but will be operated and monitored by a remote tender;

(2) The bridge shall have local and mechanical override capabilities over the remote operation;

(3) Marine radio communication shall be maintained with mariners near the bridge for the safety of navigation. Visual monitoring of the waterway shall be maintained with the use of cameras and the detection of vessels under the span shall be accomplished with detection sensors;

(4) The span is normally in the fully open position and will display green lights to indicate that the span is fully open;

(5) When a train approaches, the remote tender shall monitor for vessels approaching the bridge. The remote tender shall warn approaching vessels via marine radio, channel 9 VHF of a bridge lowering. The remote tender may also be contacted via telephone at (386) 649–8538;

(6) Provided the sensors do not detect a vessel under the span, the tender shall initiate the span lowering sequence, which includes the sounding of a horn and the displaying of red lights. The span will remain in the down position for a minimum of eight minutes or for the entire time the approach track circuit is occupied; and

(7) After the train has cleared the bridge track circuit, the span shall open and the green lights will be displayed.

Dated: February 20, 2019.

Peter J. Brown,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2019–03904 Filed 3–4–19; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AP16

Schedule for Rating Disabilities; The Genitourinary Diseases and Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Veterans Affairs (VA) is withdrawing a document published in the **Federal Register** on July 28, 2017, proposing to amend the portion of its Schedule for Rating Disabilities that addresses the genitourinary system.

DATES: The proposed rule published at 82 FR 35140 on July 28, 2017, is withdrawn as of March 5, 2019.

ADDRESSES: The docket for this action is available at *www.regulations.gov* or at the Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1064, Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Ioulia Vvedenskaya, M.D., M.B.A., Medical Officer, Regulations Staff (211D), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700 (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: On July 28, 2017, VA published in the **Federal Register** the proposed rule for Schedule for Rating Disabilities; The Genitourinary Diseases and Conditions. *See* 82 FR 35140. During the internal review process of the final rule, VA found that an erroneous value and unit of measure were inadvertently included in the albumin/creatinine ratio (ACR) in the renal dysfunction rating criteria under proposed 38 CFR 4.115a. The erroneous proposed value would have resulted in erroneous disability evaluations for multiple renal disabilities. Accordingly, VA is withdrawing the proposal and is developing a new proposal, to include correct ACR values, which VA intends to publish at a later date.

During the 60-day comment period for the proposed rule, VA received six comments. VA appreciates the comments submitted in response to the proposed rule. As stated above, VA is withdrawing the proposed rule to develop a new proposal; however, we have summarized the comments received on the proposed rule below and provided an analysis or response to the comments.

I. Comments of General Support

One commenter supported multiple changes to 38 CFR 4.115a, to include using the glomerular filtration rate (GFR) to evaluate both renal dysfunction and urinary tract infections. The commenter also welcomed the introduction of new diagnostic codes (DCs) 7543 and 7544. The same commenter supported new allowances for Special Monthly Compensation (SMC) under DCs 7520–7522, but was concerned that these positive changes were based on a narrow view of what might influence earning capacity. VA has addressed those concerns below.

II. Diagnostic Codes 7508 and 7510

Two commenters disagreed with VA's proposal to no longer provide a 30-percent rating for nephrolithiasis and ureterolithiasis that requires diet or drug therapy under DCs 7508 and 7510. One commenter specifically cited Mayo Clinic dietary recommendations for prevention of kidney stone formation and suggestions for medications in order to help passing of a kidney stone. But diet or drug therapies are widely recommended for the majority of medical diseases and conditions; and the remaining requirement for a 30-percent rating under DC 7508 (invasive or non-invasive procedures more than two times/year) better encapsulates, for these conditions, the long-term impairment of earning capacity corresponding to a 30-percent rating. We do not plan to make any changes based on these comments.

III. Diagnostic Codes 7520 Through 7522

VA received several comments regarding its proposed changes to DCs 7520 through 7522.

One commenter was concerned that the proposed rating criteria for erectile dysfunction (ED) do not compensate adequately veterans who are sperm donors. VA provides compensation for the *average* impairment in earning capacity due to a disability; there is no requirement that the rating schedule address unique scenarios such as the possibility of supplemental income from sperm donorship. *See* 38 CFR 4.1.

The same commenter suggested that VA should include guidance regarding retrograde ejaculation without ED from VA's Adjudication Procedures Manual (M21–1) into this regulation for clarity. This section of the M21–1 addresses retrograde ejaculation as it relates to treatment for benign prostatic hypertrophy (BPH), which is evaluated under DC 7527. *See* M21–1, Part III, Subpart iv, Chapter 4, Section I, Topic 2, Paragraph a., available at *https://www.knowva.ebenefits.va.gov/system/templates/selfservice/va_ssnew/help/customer/locale/en-US/portal/554400000001018/content/554400000014202/M21-1-Part-III-Subpart-iv-Chapter-4-Section-I-Genitourinary-Disabilities.* This procedural guidance is intended to provide supplementary information that might be useful to VA rating personnel

about what ''can'' result from BPH treatment, but is not appropriate for inclusion in regulation. We do not plan to make any changes based on these comments.

Another commenter asked VA to provide rationale for its decision to remove the provision that permitted rating removal of the penis or glans (DCs 7520 and 7521) under 38 CFR 4.115a (specifically, voiding dysfunction). Under most circumstances, the removal of the penis or glans does not result in voiding dysfunction. Most commonly, the loss of penis or glans will affect the ability to void while standing, but that is not considered compensable functional impairment under 38 CFR 4.115a, voiding dysfunction. Santucci, R. *et al.,* ''Penile Fracture and Trauma'' (updated Dec. 30, 2015), Medscape *https://emedicine.medscape.com/article/456305-overview* (last accessed Jan. 15, 2019). Furthermore, if, in the course of penis or glans surgical removal, there is associated urethral trauma resulting in voiding dysfunction, it should be separately rated under DC 7518, Urethra, stricture of. For these reasons, VA does not find it appropriate to direct rating personnel to consider 38 CFR 4.115a when evaluating DCs 7520 and 7521.

Two commenters asked VA to provide a rationale for its decision to exclude Peyronie's disease from ratable conditions. The commenters expressed concern that Peyronie's disease may be caused by trauma as a result of an in-service injury and, in some cases, prevent a veteran from having sexual intercourse or make it difficult to get or maintain an erection. One commenter proposed to rate Peyronie's disease analogously to ED under DC 7522.

The etiology of Peyronie's disease remains unclear. More recently, Peyronie's disease has been thought to result from vascular trauma or injury to the penis that causes scarring and deformity of the penis. Lizza, E. *et al.*, ''Peyronie Disease'' (updated July 25, 2018), Medscape *https://emedicine.medscape.com/article/456574-overview#a7* (last visited Jan. 15, 2019). VA appreciates commenter's statement that penile trauma as a result of an in-service injury should be recognized under DC 7522 and intends to address this issue in the new proposed rule.

One of the above commenters further asked if VA would sever service connection for previously established Peyronie's disease. VA will sever service connection only where the evidence establishes that the award of service connection was clearly and unmistakably erroneous, and only after providing the veteran with proper notification and due process. 38 CFR 3.105(d). Moreover, 38 CFR 3.957 protects an award of service connection that has been in effect for ten years or longer (unless the original grant was based on fraud).

IV. Diagnostic Code 7542

One commenter expressed concern with VA's proposal to rate neurogenic bladder as voiding dysfunction or urinary tract infection, whichever is predominant under the proposed DC 7542, Neurogenic bladder. The commenter believed that such a proposal would not adequately compensate a veteran who suffers from both voiding dysfunction and urinary tract infection. Historically, 38 CFR 4.115a has recognized that ''[d]iseases of the genitourinary system generally result in disabilities related to renal or voiding dysfunction, infections, or a combination of these.'' Further, § 4.115a directs rating personnel to evaluate such disabilities on the ''predominant area of dysfunction.'' VA's instruction for proposed DC 7542 to evaluate on the basis of voiding dysfunction *or* urinary tract infection is similar to how all genitourinary disabilities are currently evaluated. We do not plan to make any changes based on this comment.

V. Diagnostic Code 7543

One commenter had several questions about proposed DC 7543, Varicocele. The first question was whether VA will assign a single evaluation for both unilateral or bilateral involvement. VA's position is that a single evaluation would be assigned. To the extent the commenter is insinuating that the bilateral factor described by 38 CFR 4.26 should be applied to proposed DC 7543, it would not—because proposed DC 7543 would not pertain to extremities or paired skeletal muscles.

The second question was whether two evaluations would be assigned in case of a left varicocele with right hydrocele. VA would assign a single evaluation regardless of whether there is varicocele or hydrocele. Both conditions affect the same organ and have similar disabling effects. Evaluating these conditions separately would create pyramiding. *See* 38 CFR 4.14 (stating that the evaluation of the same disability under various diagnoses is to be avoided). Lastly, while these conditions may cause a decrease in fertility, or the existence of infertility, neither cause a reduction in earning capacity. While varicocele or hydrocele may be associated with infertility, infertility does not impair earning capacity and is not in itself a disability for VA rating purposes. *See* 38 CFR 4.1.

Finally, the same commenter asked whether separate multiple zero-percent evaluations under proposed DC 7543 could warrant compensation. As noted above, VA would not assign multiple zero-percent evaluations under proposed DC 7543. Moreover, 38 CFR 3.324, Multiple Noncompensable Service-connected Disabilities, would not apply to DC 7543 because the regulation requires disabilities ''of such character as clearly to interfere with normal employability.'' In most cases, for the reasons stated above, the condition evaluated under DC 7543 would not interfere with employability. We do not plan to make any changes based on these comments.

VI. Comments Beyond the Scope of This Rulemaking

A. Mental Distress, Mental Disorders, and Genitourinary Disorders

Two commenters requested changes to 38 CFR 4.130 in their public comments. One commenter disagreed with the proposed removal of a 20-percent rating for ED under DC 7522 and pointed to mental distress caused by ED. The commenter recommended expanding 38 CFR 4.130 to include mental distress caused by ED. The other commenter disagreed with the noncompensable evaluation for decrease/loss of fertility under proposed DC 7543 and recommended expanding 38 CFR 4.130 to include mental distress caused by decreased/lost fertility.

Initially, VA notes that the proposed rulemaking concerned 38 CFR 4.115b, not § 4.130; thus, this comment is beyond the scope of this rulemaking. Nevertheless, as stated in the preamble to the proposed rule, erectile dysfunction and decrease or loss of fertility do not result in impairment of earning capacity and therefore do not warrant compensable evaluations under the VA schedule for rating disabilities (VASRD). 82 FR at 35143; *see also* 38 CFR 4.1 (stating that the purpose of the rating schedule is to represent the average impairment in earning capacity resulting from diseases and injuries in civil occupations). VA notes that, despite proposing no compensation for these conditions through VASRD, its regulations do provide compensation for the impact on a veteran's ability to procreate through the assignment of SMC for loss or loss of use of a creative organ. *See* 38 U.S.C. 1114(k).

Another commenter appeared to provide a response to the above comments related to expanding 38 CFR 4.130 to include ED as a symptom of a mental health diagnosis. The commenter examined several case

scenarios where a veteran might claim a mental health disorder secondary to service-connected ED. VA agrees with the commenter's assessment that any mental disorder related to ED would be a separate claim and would require its own diagnosis, service connection, and disability evaluation under 38 CFR 4.130.

B. 38 CFR 4.14, Co-Morbidities, and Pyramiding

One commenter suggested that an example of pyramiding (38 CFR 4.14) is always helpful. The commenter wanted to examine a case scenario where a veteran with service-connected bladder cancer also has a separate service-connected primary prostate cancer. The commenter asked what would be an example of non-overlapping symptomatology warranting separate evaluations. The rating schedule evaluates bladder and prostate cancer under DC 7528, entitled Malignant Neoplasms of the Genitourinary System. VA did not propose to change the rating criteria for DC 7528. Therefore, this issue is not within the scope of this rulemaking.

The same commenter asked how VA would rate a surgical resection for a necrotic penis in end stage renal disease involving less than one half of the penis. VA assigns evaluations for service-connected disabilities in accordance with the rating schedule and based on the individual facts and medical evidence of record. As such, it cannot comment on how disabilities in particular hypothetical circumstances would be rated and finds this comment outside the scope of this rulemaking.

The same commenter also had several questions regarding the proposed transplant list provision in 38 CFR 4.115a. The commenter wanted to examine a case scenario where a veteran with hepatitis C and alcohol-related cirrhosis was placed on the transplant list but later was service-connected for kidney cancer due to Camp Lejeune service and then receives a transplant. The commenter wanted to know how the rater would determine if the transplant was due to the non-service-connected conditions and not the presumptive cancer given overlapping symptoms. Cirrhosis and kidney cancer involve two separate body systems. Cirrhosis is a liver condition, which is part of the digestive system, whereas kidney cancer is part of the genitourinary system. To the extent the commenter is describing a scenario in which a veteran was on both liver and kidney transplant lists, separation of symptomology for two or more conditions for evaluation purposes is made on a case-by-case in accordance with the evidence of record. VA is not proposing to change the way two separate body systems' conditions are rated. Therefore, this issue is not within the scope of this proposed rulemaking.

C. Incorrect Rulemaking

One commenter submitted a comment to the ED–2015–OSERS–001–1167 regulation published by the Office of Special Education & Rehabilitative Services in error.

VII. Comment Regarding Public Access

One commenter suggested that VA should provide transcripts, minutes, or other materials obtained from subject matter experts and the public gathered during a public forum held on January 27–28, 2011.

In the preamble to the proposed rule, VA included a general summary provision referencing the public forum in January 2011. *See* 82 FR at 35140. The goals of the forum were to improve and update VASRD criteria, and invite public participation; this process included presentations on areas of expertise and interaction with the public. (A transcript of this public forum is on file and available for public inspection in the Office of Regulation and Policy Management. Contact information for that office is noted in the **ADDRESSES** section of the proposed rule. *See* 82 FR at 35140.) The public forum and working group process served as an initial call to various subject matter experts and Veterans Service Organizations to provide a preliminary review of the VASRD from both internal and external stakeholders.

VA emphasizes that this review of the VASRD was not an opportunity for external stakeholders to participate in the deliberative rulemaking process; the public forum discussed the general topic of the VASRD body system and provided feedback on the areas that were subject to advances since the last major revision of the body system. To this end, VA notes that, where changes to the scientific and/or medical nature of a given condition were made in the proposed rule, VA cited the published, publicly-available source for each change. Not only does this provide the public with access to the source for a given proposed change, it also ensures that VA relied upon peer-reviewed scientific and medical information to support a given change. While similar information may have been presented at the public forum, VA relied upon the published document(s) as the primary source for a change and included such sources in the administrative record for this rulemaking. VA did not propose scientific and/or medical changes to the VASRD in the absence of publicly available, peer-reviewed sources.

Accordingly, any references in the proposed rule to the working group phase, to include the public forum, serve as an explanatory background and introduction to the VASRD rewrite project; the changes made by this rulemaking are not a reflection of any presenter or work group member. All proposed changes based on scientific and/or medical information are a reflection of cited, published materials which are available to the public. VA has made all deliberative materials available (via citation in the rulemaking) and is providing access to materials from the public forum available for public inspection at the Office of Regulation Policy and Management.

Signing Authority

The Secretary of Veterans Affairs approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Wilkie, Secretary, Department of Veterans Affairs, approved this document on February 13, 2019, for publication.

Dated: February 26, 2019.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2019–03748 Filed 3–4–19; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2018–0235–; FRL–9988–59–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Missoula PM_{10} Nonattainment Area Limited Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to fully approve the Limited Maintenance Plan (LMP), submitted by the State of Montana to the EPA on August 3, 2016, for the Missoula moderate particulate matter with an aerodynamic diameter less than or equal to a nominal 10

micrometers (PM_{10}) nonattainment area (Missoula NAA) and concurrently redesignate the Missoula NAA to attainment of the 24-hour PM_{10} National Ambient Air Quality Standard (NAAQS). In order to approve the LMP and redesignation, the EPA is proposing to determine that the Missoula NAA has attained the 1987 24-hour PM_{10} NAAQS of 150 $\mu g/m^3$. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2015–2017. The EPA is also proposing to approve the Missoula LMP as meeting the appropriate transportation conformity requirements. Lastly, the EPA is proposing to approve certain rule revisions the Missoula City-County Air Pollution Control Program submitted on August 3, 2016 and August 22, 2018.

DATES: Written comments must be received on or before April 4, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2018–0235 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, U.S. Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: James Hou, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6210, *hou.james@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

A. Description of the Missoula Nonattainment Area

The Missoula NAA encompasses the City of Missoula and was designated nonattainment for the 1987 24-hour PM_{10} NAAQS and classified as moderate under section 107(d)(4)(B), following enactment of the Clean Air Act (CAA) Amendments of 1990. *See* 56 FR 56694 (November 6, 1991). States containing initial moderate PM_{10} nonattainment areas were required to submit, by November 15, 1991, a moderate nonattainment area State Implementation Plan (SIP) that, among other requirements, implemented Reasonably Available Control Measures (RACM) by December 10, 1993, and demonstrated whether it was practicable to attain the PM_{10} NAAQS by December 31, 1994. *See generally* 57 FR 13498 (April 16, 1992); *see also* 57 FR 18070 (April 28, 1992).

The State of Montana submitted an initial PM_{10} SIP to the EPA on August 21, 1991, and subsequently submitted three additional submittals between 1991and 1994. The State of Montana's SIP for the Missoula moderate nonattainment area included, among other things: a comprehensive emissions inventory; RACM; a demonstration that attainment of the PM_{10} NAAQS would be achieved in Missoula by December 31, 1994; Reasonable Further Progress (RFP) requirements; and control measures that satisfy the contingency measures requirement of section 172(c)(9) of the CAA. The EPA fully approved the Missoula NAA PM_{10} attainment plan on August 30, 1995 (60 FR 45051).

II. Requirements for Redesignation

A. CAA Requirements for Redesignation of Nonattainment Areas

Nonattainment areas can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the CAA, and the General Preamble to Title I provide the criteria for redesignation. *See* 57 FR 13498 (April 16, 1992). These criteria are further clarified in a policy and guidance memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards dated September 4, 1992, ''Procedures for Processing Requests to Redesignate Areas to Attainment.'' [1] The criteria for redesignation are:

(1) The Administrator has determined that the area has attained the applicable NAAQS;

(2) The Administrator has fully approved the applicable SIP for the area under section 110(k) of the CAA;

(3) The state containing the area has met all requirements applicable to the area under section 110 and part D of the CAA;

(4) The Administrator has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions; and

(5) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA.

B. The LMP Option for PM_{10} Nonattainment Areas

On August 9, 2001, the EPA issued guidance on streamlined maintenance plan provisions for certain moderate PM_{10} nonattainment areas seeking redesignation to attainment (Memo from Lydia Wegman, Director, Air Quality Standards and Strategies Division, entitled ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas,'' (hereafter the LMP Option memo)).[2] The LMP Option memo contains a statistical demonstration that areas meeting certain air quality criteria will, with a

[1] The ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni memo) outlines the criteria for redesignation. The Calcagni memo can be found at *https://www.epa.gov/sites/production/files/2016-03/documents/calcagni_memo_-_procedures_for_processing_requests_to_redesignate_areas_to_attainment_090492.pdf.*

[2] The ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' outlines the criteria for development of a PM_{10} limited maintenance plan and can be found at *https://www.epa.gov/sites/production/files/2016-06/documents/2001lmp-pm10.pdf.*

high degree of probability, maintain the standard 10 years into the future. Thus, the EPA has already provided the maintenance demonstration for areas meeting the criteria outlined in the LMP Option memo. It follows that future year emission inventories for these areas, and some of the standard analyses to determine transportation conformity with the SIP are no longer necessary.

To qualify for the LMP Option, the area should have attained the 1987 24-hour PM_{10} NAAQS, based upon the most recent 5 years of air quality data at all monitors in the area, and the 24-hour design value should be at or below the Critical Design Value (CDV). The CDV is a calculated design value that indicates that the area has a low probability (1 in 10) of exceeding the NAAQS in the future. For the purposes of qualifying for the LMP option, a presumptive CDV of 98 μg/m^3 is most often employed, but an area may elect to use a site-specific CDV should the average design value be above 98 μg/m^3, while demonstrating that the area has a low probability of exceeding the NAAQS in the future. The annual PM_{10} standard was effectively revoked on December 18, 2006 (71 FR 61143), and as such will not be discussed as a requirement for qualifying for the LMP option. In addition, the area should expect only limited growth in on-road motor vehicle PM_{10} emissions (including fugitive dust) and should have passed a motor vehicle regional emissions analysis test. The LMP Option memo also identifies core provisions that must be included in the LMP. These provisions include an attainment year emissions inventory, assurance of continued operation of an EPA-approved air quality monitoring network, and contingency provisions.

C. Conformity Under the LMP Option

The transportation conformity rule (40 CFR parts 51 and 93) and the general conformity rule (40 CFR parts 51 and 93) apply to nonattainment areas and maintenance areas covered by an approved maintenance plan. Under either conformity rule, an acceptable method of demonstrating that a federal action conforms to the applicable SIP is to demonstrate that expected emissions from the planned action are consistent with the emissions budget for the area.

While the EPA's LMP Option does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate conformity without submitting an emissions budget. Under the LMP Option, emissions budgets are treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that the qualifying areas would experience so much growth in that period that a violation of the PM_{10} NAAQS would result. For transportation conformity purposes, the EPA would conclude that emissions in these areas need not be capped for the maintenance period; and therefore, a regional emissions analysis would not be required. Similarly, federal actions subject to the general conformity rule could be considered to satisfy the ''budget test'' specified in 40 CFR 93.158(a)(5)(i)(A) for the same reasons that the budgets are essentially considered not limited.

III. Review of the Montana State Submittal Addressing the Requirements for Redesignation and Limited Maintenance Plans

A. Has the Missoula NAA attained the applicable NAAQS?

States must demonstrate that an area has attained the 24-hour PM_{10} NAAQS through analysis of ambient air quality data from an ambient air monitoring network representing peak PM_{10} concentrations. The data should be stored in the EPA Air Quality System (AQS) database. The EPA is proposing to determine that the Missoula NAA has attained the PM_{10} NAAQS based on monitoring data from calendar years 2015–2017. The 24-hour standard is attained when the expected number of days with levels above 150 μg/m^3 (averaged over a 3-year period) is less than or equal to one. 40 CFR 50.6(a). Three consecutive years of air quality data are generally necessary to show attainment of the 24-hour and annual standards for PM_{10}. *See* 40 CFR part 50, appendix K. A complete year of air quality data, as referred to in 40 CFR part 50, appendix K, is comprised of all four calendar quarters with each quarter containing data from at least 75% of the scheduled sampling days.

The Missoula NAA has one State and Local Air Monitoring Station (SLAMS) monitor operated by the Montana Department of Environmental Quality (MDEQ). Table 1 summarizes the PM_{10} data collected from 2013–2017. The EPA deems the data collected from this monitor valid, and the data has been submitted by the MDEQ to be included in AQS.

TABLE 1—SUMMARY OF MAXIMUM 24-HOUR PM_{10} CONCENTRATIONS (μg/m^3) FOR MISSOULA 2013–2017

Year	Maximum concentration (μg/m^3)	2nd maximum concentration (μg/m^3)	Number of exceedances	Monitoring site
Based on Data from Boyd Park Station, AQS Identification Number 30–063–0024				
2013	59	58	0	Boyd Park.
2014	92	88	0	Boyd Park.
2015	90	78	0	Boyd Park.
2016	73	65	0	Boyd Park.
2017	86	86	0	Boyd Park.

The PM_{10} concentrations reported at the Missoula monitoring site showed no measured exceedances of the 24-hour PM_{10} NAAQS, and as such, the EPA proposes to determine that the Missoula Moderate NAA has attained the standard for the 24-hour PM_{10} NAAQS.

B. Does the Missoula NAA have a fully approved SIP under CAA section 110(k)?

In order to qualify for redesignation, the SIP for the area must be fully approved under CAA section 110(k) and must satisfy all requirements that apply to the area. Section 189 of the CAA contains requirements and milestones for all initial moderate nonattainment area SIPs including: (1) Provisions to assure that RACM (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of Reasonably Available Control Technology—RACT) shall be implemented no later than December 10, 1993; (2) A demonstration (including air quality modeling) that the

plan will provide for attainment as expeditiously as practicable by no later than December 31, 1994, or, where the state is seeking an extension of the attainment date under section 188(e), a demonstration that attainment by December 31, 1994, is impracticable and that the plan provides for attainment by the most expeditious alternative date practicable (CAA sections 189(a)(1)(A)); (3) Quantitative milestones which are to be achieved every 3 years and which demonstrate RFP toward attainment by December 31, 1994, (CAA sections 172(c)(2) and 189(c)); and (4) Contingency measures to be implemented if the area fails to make RFP or attain by its attainment deadline. These contingency measures are to take effect without further action by the State or the EPA. (CAA section 172(c)(9)).

On August 30, 1995, the EPA approved Missoula moderate area plan including RACM, an attainment demonstration, emissions inventory, quantitative milestones, and control and contingency measure requirements. As such, the area has a fully approved nonattainment area SIP under section 110(k) of the CAA. 60 FR 45051.

C. Has the State met all applicable requirements under Section 110 and Part D of the CAA?

Section 107(d)(3)(E) of the CAA requires that a state containing a nonattainment area must meet all applicable requirements under section 110 and Part D of the CAA for an area to be redesignated to attainment. The EPA interprets this to mean that the state must meet all requirements that applied to the area prior to, and at the time of, the submission of a complete redesignation request. The following is a summary of how Montana meets these requirements.

(1) CAA Section 110 Requirements

Section 110(a)(2) of the CAA contains general requirements for state implementation plans. These requirements include, but are not limited to, submittal of a SIP that has been adopted by the state after reasonable notice and public hearing; provisions for establishment and operation of appropriate apparatus, methods, systems and procedures necessary to monitor ambient air quality; implementation of a permit program; provisions for Part C—Prevention of Significant Deterioration (PSD) and Part D—New Source Review (NSR) permit programs; criteria for stationary source emission control measures, monitoring and reporting, provisions for modeling; and provisions for public and local agency participation. See the General Preamble for further explanation of these requirements. 57 FR 13498 (April 16, 1992).

For purposes of redesignation, the EPA's review of the Montana SIP shows that the State has satisfied all requirements under section 110(a)(2) of the CAA. Further, in 40 CFR 52.1372, the EPA has approved Montana's plan for the attainment and maintenance of the national standards under section 110.

(2) Part D Requirements

Part D contains general requirements applicable to all areas designated nonattainment. The general requirements are followed by a series of subparts specific to each pollutant. All PM_{10} nonattainment areas must meet the general provisions of Subpart 1 and the specific PM_{10} provisions in Subpart 4, ''Additional Provisions for Particulate Matter Nonattainment Areas.'' The following paragraphs discuss these requirements as they apply to the Missoula NAA.

(3) Subpart 1, Section 172(c)

Subpart 1, section 172(c) contains general requirements for nonattainment area plans. A thorough discussion of these requirements may be found in the General Preamble. *See* 57 FR 13538 (April 16, 1992). CAA section 172(c)(2) requires nonattainment plans to provide for RFP. Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D of title I) or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' Since the EPA is proposing to determine that the Missoula NAA is in attainment of the PM_{10} NAAQS, we believe that no further showing of RFP or quantitative milestones is necessary.

(4) Section 172(c)(3)—Emissions Inventory Section

Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of actual emissions from all sources in the Missoula PM_{10} nonattainment area. Montana included an emissions inventory for the calendar year 2010 with its August 3, 2016 submittal of the LMP for the Missoula NAA. The LMP Option memo states that an attainment inventory should represent emissions during the same 5-year period associated with the air quality data used to determine that the area meets the applicability requirements of the LMP option. The Missoula LMP includes an emission inventory from 2010, representative of the 2009–2013 5-year period which served as the 5-year period relied upon in the Missoula LMP as meeting the air quality data requirements of the LMP option memo. The LMP option memo goes on to state that ''If the attainment inventory year is not one of the most recent 5 years, but the State can show that the attainment inventory did not change significantly during that 5-year period, it may still be used to satisfy the policy.'' An evaluation of the Missoula County 2011 National Emissions Inventory (NEI) compared to the Missoula County 2014 NEI indicates that the county experienced a roughly 50% decrease in PM_{10} emissions. When comparing the 2011 NEI to the 2014 NEI and removing wildfires from both inventories, the area still experienced a decrease in PM_{10} emissions. Noting the overall decrease in PM_{10} emissions for Missoula County, the 2010 base year emissions inventory represents a current, accurate and comprehensive emission inventory; and therefore, meets the requirements of Section 172(c)(3) of the CAA.

(5) Section 172(c)(5)—NSR

The 1990 CAA Amendments contained revisions to the NSR program requirements for the construction and operation of new and modified major stationary sources located in nonattainment areas. The CAA requires states to amend their SIPs to reflect these revisions, but does not require submittal of this element along with the other SIP elements. The CAA established June 30, 1992, as the submittal date for the revised NSR programs (Section 189 of the CAA).

Montana has a fully approved nonattainment NSR program, most recently approved on August 30, 1995 (60 FR 45051). Montana also has a fully approved PSD program, most recently approved on August 30, 1995 (60 FR 45051). Upon the effective date of redesignation of an area from nonattainment to attainment, the requirements of the Part D NSR program will be replaced by the PSD program and the maintenance area NSR program.

(6) Section 172(c)(7)—Compliance with CAA Section 110(a)(2): Air Quality Monitoring Requirements

Once an area is redesignated, the state must continue to operate an appropriate air monitoring network in accordance with 40 CFR part 58 to verify attainment status of the area. The State of Montana and the City of Missoula operate one PM_{10} SLAMS in the Missoula NAA. The

Boyd Park monitoring site meets EPA SLAMS network design and siting requirements set forth at 40 CFR part 58, appendices D and E. In Section 7.3 of the LMP that we are proposing to approve, the State commits to continued operation of the monitoring network.

(7) Section 172(c)(9)—Contingency Measures

The CAA requires that contingency measures take effect if the area fails to meet RFP requirements or fails to attain the NAAQS by the applicable attainment date. Since the Missoula NAA attained the 1987 24-hour PM_{10} NAAQS by the applicable attainment date of December 31, 1994, contingency measures are no longer required under Section 172(c)(9) of the CAA. However, contingency provisions are required for maintenance plans under Section 175(a)(d). We describe the contingency provisions Montana provided in the Missoula LMP below.

(8) Part D Subpart 4

Part D Subpart 4, Section 189(a), (c) and (e) requirements apply to any moderate nonattainment area before the area can be redesignated to attainment. The requirements which were applicable prior to the submission of the request to redesignate the area must be fully approved into the SIP before redesignating the area to attainment. These requirements include: (a) Provisions to assure that RACM was implemented by December 10, 1993; (b) Either a demonstration that the plan provided for attainment as expeditiously as practicable but not later than December 31, 1994, or a demonstration that attainment by that date was impracticable; (c) Quantitative milestones which were achieved every 3 years and which demonstrate RFP toward attainment by December 31, 1994; and (d) Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determined that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. These provisions were fully approved into the SIP upon the EPA's approval of the PM_{10} moderate area plan for the Missoula NAA on August 30, 1995 (see 60 FR 45051).

D. Has the State demonstrated that the air quality improvement is due to permanent and enforceable reductions?

The state must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the state must demonstrate that air quality improvements are the result of actual enforceable emission reductions. This showing should consider emission rates, production capacities, and other related information. The analysis should assume that sources are operating at permitted levels (or historic peak levels) unless evidence is presented that such an assumption is unrealistic. Permanent and enforceable control measures in the Missoula NAA SIP include RACM. Emission sources in the Missoula NAA have been implementing RACM for at least 10 years. The State demonstrated that, by applying control measures for outdoor burning, controlling fugitive particulates from street sweeping and sanding, establishing paving requirements within the Air Stagnation Zone, restricting the use of solid fuel burning devices, establishing permit requirements for stationary sources (*e.g.,* emission control requirements and opacity restrictions), and prohibiting visible emissions from four-cycle gasoline powered vehicles, Missoula has effectively controlled PM_{10} emissions from the largest contributing source categories of PM_{10}. Specifically, the Missoula NAA has not experienced a violation of the PM_{10} NAAQS since 1989, reasonably indicating that the attainment of the PM_{10} NAAQS is both permanent and enforceable.

Areas that qualify for the LMP will meet the NAAQS, even under worst case meteorological conditions. Under the LMP option, the maintenance demonstration is presumed to be satisfied if an area meets the qualifying criteria. Thus, by qualifying for the LMP, Montana has demonstrated that the air quality improvements in the Missoula area are the result of permanent emission reductions and not a result of either economic trends or meteorology. A description of the LMP qualifying criteria and how the Missoula area meets these criteria is provided in the following section.

E. Does the area have a fully approved maintenance plan pursuant to Section 175A of the CAA?

In this action, we are proposing to approve the Limited Maintenance Plan in accordance with the principles outlined in the LMP Option.

F. Has the State demonstrated that the Missoula NAA qualifies for the LMP Option?

The LMP Option memo outlines the requirements for an area to qualify for the LMP Option. First, the area should be attaining the NAAQS. As stated above in Section III.A., the EPA has determined that the Missoula NAA is attaining the PM_{10} NAAQS, based upon 2013–2017 data, and has had no exceedances between the years 2013–2017.

Second, the average design value (ADV) for the past 5 years of monitoring data (2013–2017) must be at or below the CDV. As noted in Section II.B., the CDV is a margin of safety value and is the value at which an area has been determined to have a 1 in 10 probability of exceeding the NAAQS. The LMP Option memo provides two methods for review of monitoring data for the purpose of qualifying for the LMP option. The first method is a comparison of a site's ADV with the CDV of 98 $\mu g/m^3$ for the 24-hour PM_{10} NAAQS. A second method that applies to the 24-hour PM_{10} NAAQS is the calculation of a site-specific CDV and a comparison of the site-specific CDV with the ADV for the past 5 years of monitoring data. Table 2 outlines the design values for the years 2013–2017, and presents the ADV.

Table 3 summarizes a total of 19 wildfire related events that were excluded from the calculated design values in Table 2. This table includes regionally concurred exceptional events, as well as values between 98 $\mu g/m^3$ and 155 $\mu g/m^3$ which were treated in a manner analogous to exceedance data under the Exceptional Events Rule (EER) for the purpose of determining the LMP option eligibility.[3] The EER can be found in 40 CFR 50.14 and 40 CFR 51.930, and outlines the requirements for the treatment of monitored air quality data that has been heavily influenced by an exceptional event. 40 CFR 50.1(j) defines an exceptional event as an event which affects air quality, is not reasonably controllable or preventable, is an event caused by human activity that is unlikely to recur at a particular location or a natural event and is determined by the Administrator in accordance with 40 CFR 50.14 to be an exceptional event. Exceptional events do not include stagnation of air masses or meteorological inversions, meteorological events involving high temperatures or lack of precipitation, or air pollution relating to source noncompliance. 40 CFR 50.14(b) states that the EPA shall exclude data from use in determinations of exceedances and NAAQS violations where a state demonstrates to the EPA's satisfaction that an exceptional event caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of section 50.14.

The Table 3 values between 98 μg/m³ and 155 μg/m³, were treated in a manner analogous to the exceedance data under the EER but will remain in the Air Quality System database for use in calculating DV's for every purpose besides determining LMP eligibility.[3] Supporting documentation of EPA's concurrence with the 19 wildfire related events can be found in the docket.[4]

TABLE 2—SUMMARY OF 24-HOUR PM_{10} DESIGN VALUES (μg/m³) FOR MISSOULA 2013–2017

Design value years	Design value (μg/m³)	Monitoring site
Based on Data from Boyd Park Station, AQS Identification Number 30–063–0024		
2013–2015	78	Boyd Park
2014–2016	78	Boyd Park.
2015–2017	86	Boyd Park.
Average DV based on highest DVs.		81

TABLE 3—24-HOUR PM_{10} EVENTS EXCLUDED FROM 2013–2017 DESIGN VALUES

Date	24-hour value (μg/m³)	Monitoring site
8/15/2015	133	Boyd Park.
8/20/2105	101	Boyd Park.
8/21/2105	116	Boyd Park.
8/24/2015	104	Boyd Park.
8/25/2015	120	Boyd Park.
8/26/2015	104	Boyd Park.
8/27/2015	119	Boyd Park.
8/28/2015	*181	Boyd Park.
8/29/2015	*276	Boyd Park.
8/12/2017	105	Boyd Park.
8/23/2017	129	Boyd Park.
8/29/2017	105	Boyd Park.
8/30/2017	108	Boyd Park.
9/4/2017	*233	Boyd Park.
9/5/2017	107	Boyd Park.
9/6/2017	*158	Boyd Park.
9/7/2017	*201	Boyd Park.
9/8/2017	*193	Boyd Park.
9/9/2017	103	Boyd Park.

* EPA-Concurred Exceptional Events.

The ADV for the 24-hour PM_{10} NAAQS for Missoula, based on data from the collocated SLAMS monitors for the years 2013–2017, is 81 μg/m³. This value falls below the presumptive 24-hour CDV of 98 μg/m³. Therefore, Missoula meets the design value criteria outlined in the LMP Option memo. For the 2013–2017 ADV calculations for PM_{10} in Missoula, please see the supporting documents in the docket.[5]

Third, the area must meet the motor vehicle regional emissions analysis test in attachment B of the LMP Option memo. Using the methodology outlined in the memo, based on monitoring data for the period 2015–2017, the EPA has determined that the Missoula NAA passes the motor vehicle regional emissions analysis test, with a projected DV of 90.3 μg/m³ after 10 years, attributable to motor vehicle emission growth. For the calculations used to determine that Missoula has passed the motor vehicle regional analysis test, see the supporting documents in the docket.[6]

The monitoring data for the period 2015–2017 shows that Missoula has attained the 24-hour NAAQS for PM_{10}, and the 24-hour ADV for Missoula is less than the 24-hour PM_{10} CDV. Finally, the area has met the regional vehicle emissions analysis test. Thus, the Missoula NAA qualifies for the LMP Option described in the LMP Option memo. The LMP Option memo also indicates that once a state selects the LMP Option and it is in effect, the state will be expected to determine, on an annual basis, that the LMP criteria are still being met. If the state determines that the LMP criteria are not being met, it should take action to reduce PM_{10} concentrations enough to requalify for the LMP. One possible approach the state could take is to implement contingency measures. Please see Section 6.3. for a description of contingency provisions submitted as part of the State's submittal.

G. Does the State have an approved attainment emissions inventory which can be used to demonstrate attainment of the NAAQS?

The state's approved attainment plan should include an emissions inventory (attainment inventory) which can be used to demonstrate attainment of the NAAQS. The inventory should represent emissions during the same 5-year period associated with air quality data used to determine whether the area meets the applicability requirements of the LMP Option. The state should review its inventory every 3 years to ensure emissions growth is incorporated in the attainment inventory if necessary. In this instance, Montana completed an attainment year inventory for the attainment year 2010. The EPA has reviewed the 2010 emissions inventory and determined that it is current, accurate and complete. The EPA has also reviewed monitoring data for the years 2013–2017 and determined that the 2010 emissions inventory is representative of the attainment year inventory since the NAAQS was not violated during 2010. In addition, the emissions inventory submitted with the LMP for the calendar year 2010 is representative of the level of emissions during the time period used to calculate the average design value since 2010 is included in the 5-year period used to calculate the design value (2013–2017).

H. Does the LMP include an assurance of continued operation of an appropriate EPA-approved air quality monitoring network, in accordance with 40 CFR part 58?

A PM_{10} monitoring network was established in the Missoula NAA in the 1980's and has been developed and maintained in accordance with federal siting and design criteria in 40 CFR part 58, Appendices D and E and in consultation with the EPA Region 8. In 2009 the Health Department monitoring site was discontinued, leaving the Boyd Park as the one $PM_{10}/PM_{2.5}$ SLAMS/National Air Monitoring Stations (NAMS) monitors for the Missoula NAA. In Section 7.3 of the Missoula LMP, Montana states that it will continue to operate its monitoring network to meet EPA requirements.

I. Does the plan meet the CAA requirements for contingency provisions for maintenance plans?

Section 175A of the CAA states that a maintenance plan must include contingency provisions, as necessary, to promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment. As explained in the LMP Option memo, these contingency measures do not have to be fully adopted at the time of redesignation. As noted above, CAA section 175A requirements are distinct from CAA section 172(c)(9) contingency measures. Section 6.3 of the Missoula Limited Maintenance Plan describes a process and timeline to identify and evaluate appropriate contingency measures in the event of a quality assured violation of the PM_{10} NAAQS. Within 60 days of notification of a PM_{10} exceedance, the MDEQ and the

[3] Update on Application of the Exceptional Events Rule to the PM_{10} Limited Maintenance Plan Option, US EPA, William T. Harnett, Director, Air Quality Policy Division, OAQPS, May 7, 2009.

[4] February 8, 2019 letter to MDEQ, Re: Exceptional Events Requests Regarding Exceedances of the 24-hour PM_{10} NAAQS and the LMP Eligibility Threshold at Montana Monitoring Sites with PM_{10} Nonattainment Areas; and November 1, 2018 letter to MDEQ, Re: Request for EPA concurrence on exceptional event claims for fine ($PM_{2.5}$) and coarse (PM_{10}) particulate matter data impacted by wildfires in 2015 and 2016.

[5] See memo to file dated October 23, 2018 titled ''PM_{10} 24-hour Design Concentration for Missoula Montana.''

[6] See memo to file dated October 24, 2018 titled ''Missoula Motor Vehicle Regional Emissions Analysis.''

Missoula City-County Health Department (MCCHD) will determine the significant contributor to the violation using chemical or microscopic analysis of exposed PM_{10} filters. If the major contributing source is re-entrained road dust, the MCCHD will implement Rule 8.304, which expands the area of regulated road sanding materials to East Missoula, Southwest Missoula near Buckhouse Bridge, West Missoula between the Clark Fork and Bitterroot Rivers, and Northwest Missoula in the Grant Creek area. If the major contributing source is wood burning, the MCCHD will implement Rules 4.113 and 9.601. Rule 4.113 mandates extensive nighttime enforcement of wood burning regulations when a Stage 1 Alert is declared. Rule 9.601 rescinds and/or voids Missoula City-County Air Pollution Control Program rules that allow certain solid fuel burning devices with an alert permit to produce visible emissions during air pollution alerts. If neither wood burning nor re-entrained road dust is the major contributing source, the MCCHD will still implement one of the above contingency measures.

The Missoula LMP will retain the existing contingency provisions identified in the Missoula LMP which include the following:

- Expanding the areas subject to road sanding materials regulation under Subchapter 3;
- Extensive nighttime enforcement of wood burning regulations during a Stage I Alert; and
- Mandatory wood burning curtailment.

The current and proposed contingency provisions in the Missoula LMP meet the requirements for contingency provisions as outlined in the LMP Option memo.

J. Has the State met transportation and general conformity requirements?

(1) Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA section 176(c)(1)(B)). The EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. To effectuate its purpose, the conformity rule typically requires a demonstration that emissions from the Regional Transportation Plan, if applicable, and the Transportation Improvement Program are consistent with the motor vehicle emission budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). The EPA notes that a MVEB is usually defined as the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance areas. MVEBs are, however, treated differently with respect to LMP areas.[7]

Our LMP Option memorandum does not require that MVEBs be identified in the maintenance plan. While the EPA's LMP Option memorandum does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate transportation conformity without identifying and submitting a MVEB. The basis for this provision is that it is unreasonable to expect that an LMP area will experience so much growth during the maintenance period that a violation of the PM_{10} NAAQS would result. Therefore, for transportation conformity purposes, the EPA has concluded that mobile source emissions in LMP areas need not be capped, with respect to a MVEB, for the maintenance period and a regional emissions analysis (40 CFR 93.118), for transportation conformity purposes, is also not required. We discussed the above in additional detail in our Missoula PM_{10} LMP Adequacy Determination Finding **Federal Register** Notice of September 27, 2018 (83 FR 48715).

However, since LMP areas are still maintenance areas, certain aspects will continue to be required for transportation projects located within the Missoula PM_{10} maintenance area. Specifically, for conformity determinations, projects will have to demonstrate that they are fiscally constrained (40 CFR 93.108) and meet the criteria for consultation and timely implementation (as applicable) of Transportation Control Measures (40 CFR 93.112 and 40 CFR 93.113, respectively). In addition, projects located within the Missoula PM_{10} LMP area will be required to be evaluated for potential PM_{10} hot-spot issues in order to satisfy the ''project level'' conformity determination requirements. As appropriate, a project may then need to address the applicable criteria for a PM_{10} hot-spot analysis as provided in 40 CFR 93.116 and 40 CFR 93.123.

Finally, our proposed approval of the Missoula PM_{10} LMP affects future PM_{10} project-level transportation conformity determinations as prepared by the Montana Department of Transportation in conjunction with the Federal Highway Administration and the Federal Transit Administration. *See* 40 CFR 93.100. As such, the EPA is proposing to approve the Missoula LMP as meeting the appropriate transportation conformity requirements found in 40 CFR part 93, subpart A.

(2) General Conformity

Federal actions, other than transportation conformity, that meet specific criteria need to be evaluated with respect to the requirements of 40 CFR part 93, subpart B. The EPA's general conformity rule requirements are designed to ensure that emissions from a federal action will not cause or contribute to new violations of the NAAQS, exacerbate current violations, or delay timely attainment. However, as noted in our LMP Option memorandum and similar to the above discussed transportation conformity provisions, federal actions subject to our general conformity requirements would be considered to satisfy the ''budget test,'' as specified in 40 CFR 93.158(a)(5)(i)(A). As discussed above, the basis for this provision in the LMP Option memorandum is that it is unreasonable to expect that an LMP area will experience so much growth during the maintenance period that a violation of the PM_{10} NAAQS would result. Therefore, for purposes of general conformity, a general conformity PM_{10} emissions budget does not need to be identified in the maintenance plan, nor submitted, and the emissions from federal agency actions are essentially considered to not be limited.

IV. EPA's Review of the State of Montana's August 3, 2016 and August 22, 2018 Submittals (Regulatory Text)

We evaluated Montana's August 3, 2016 submittal regarding revisions to the Missoula City-County Air Pollution Control Program (MCCACP), and Montana's August 22, 2018 submittal withdrawing items from the August 3, 2016 submittal. The August 3, 2016 submittal contained rule revisions to Chapter 4: Emergency Episode Avoidance Plan; Chapter 6: Industrial Sources; Chapter 9: Solid Fuel Burning Devices; and Chapter 14: Administrative Procedures, which were made State effective on May 14, 2010. Additionally, the August 3, 2016 submittal contained rule revisions to Chapter 2: Definitions;

[7] Further information concerning the EPA's interpretations regarding MVEBs can be found in the preamble to the EPA's November 24, 1993, transportation conformity rule (see 58 FR 62193–62196).

Chapter 4: Emergency Episode Avoidance Plan; Chapter 6: Industrial Sources; Chapter 9: Solid Fuel Burning Devices; Chapter 14: Administrative Procedures; and Chapter 15: Penalties, which were made State effective on March 21, 2014. The August 22, 2018 submittal contained revisions to Chapter 4: Emergency Episode Avoidance Plan and was made State effective on April 6, 2018. We are proposing to approve some of the revisions and not act on others.

A. August 3, 2016 SIP Submittal

The August 3, 2016 SIP submittal includes revisions to eight chapters on Definitions, Failure to Attain Standards, Emergency Episode Avoidance Plan, Industrial Sources, Fugitive Particulate, Solid Fuel Burning Devices, Administrative Procedures, and Penalties. A summary of the changes that EPA is proposing to approve can be found Table 4 below. A detailed analysis of the revisions can be found in the docket. Not included in Table 4 is a revision to Chapter 9: Solid Fuel Burning Devices, Rule 9.204, which prescribes the permit requirements for solid fuel burning devices outside of the air stagnation zone. The EPA is not acting on the submitted revision to Chapter 9, Rule 9.204 in the August 3, 2016 submittal in this action.

TABLE 4—SUMMARY OF REVISIONS TO THE MISSOULA CITY-COUNTY AIR POLLUTION CONTROL PROGRAM, PROPOSED FOR APPROVAL

Chapter revised	Description of revisions
Chapter 2: Definitions	—Adds definition of $PM_{2.5}$ and Impact Zone M.
Chapter 3: Failure to Attain Standards	—Corrects reference errors.
Chapter 4: Emergency Episode Avoidance Plan	—Sets area for Air Quality Alerts to Air Stagnation Zone and area for Stage II Warnings to Impact Zone M. —Creates Wildfire Emergency Plan Authority.
Chapter 6: Industrial Sources	—Requires Solid Fuel Burning Sources of 1,000,000 Btu heat input per hour or more to receive an air quality permit. —Sets Emission Limit of 0.1 pounds per million Btu/hr heat inputs and requires LAER for solid fuel boilers with heat input capacity to burn 1,000,000 Btu/hr or more in the Air Stagnation Zone. —Sets Emission Limit of 0.2 pounds per million Btu/hr heat inputs and requires BACT for solid fuel boilers with heat input capacity to burn 1,000,000 Btu/hr or more outside the Air Stagnation Zone.
Chapter 8: Fugitive Particulate	—Allows the use of block pavers as an alternative to asphalt or concrete paving where feasible.
Chapter 9: Solid Fuel Burning Devices	—Requires permits for all new installations of solid fuel burning devices throughout the county, excluding Airshed 2. —Sets emissions standards for new installations of solid fuel burning devices. —Expands solid fuel burning device enforcement areas during Alerts to Air Stagnation Zone and during Warnings Impact Zone M. —Sets County Wide Opacity Limit of 40% for solid fuel burning devices outside of start-up times. —Allows licensed mobile food service establishments to obtain a solid fuel burning device permit throughout the county. —Changes labeling requirements for businesses that sell solid fuel burning devices.
Chapter 14: Administrative Procedures	—Clarifies that those individuals who are adversely affected by the department's decision to deny, modify, or issue a permit are entitled to request an administrative review by the Health Officer.
Chapter 15: Penalties	—Corrects reference errors.

B. August 22, 2018 Submittal

On August 22, 2018 the State of Montana submitted two revisions, one pertaining to Incorporation by Reference (IBR) and a second submittal with revisions to Chapter 4: Missoula County Air Stagnation and Emergency Episode Avoidance Plan. The EPA's proposed action pertains exclusively to the Chapter 4 revisions, which withdraws previous references to $PM_{2.5}$ in Chapter 4, denoting that those requirements are effective at the State and County level only. The EPA is proposing to approve the August 22, 2018 revisions to Chapter 4: Missoula County Air Stagnation and Emergency Episode Avoidance Plan and will act on the IBR revisions in a future action.

V. The EPA's Proposed Action

For the reasons explained in Section III, we are proposing to approve the LMP for the Missoula NAA and the State's request to redesignate the Missoula NAA from nonattainment to attainment for the 1987 24-hour PM_{10} NAAQS. Additionally, the EPA is proposing to determine that the Missoula NAA has attained the NAAQS for PM_{10}. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2015–2017. The EPA is proposing to approve the Missoula LMP as meeting the appropriate transportation conformity requirements found in 40 CFR part 93, subpart A. Lastly, the EPA is proposing to approve most of the revisions submitted on August 3, 2016 and August 22, 2018 (Chapter 4 revisions), to the eight chapters on Definitions, Failure to Attain Standards, Emergency Episode Avoidance Plan, Industrial Sources, Fugitive Particulate, Solid Fuel Burning Devices, Administrative Procedures, and Penalties. As identified in Section IV, the EPA is not acting on Chapter 9, rule 9.204 in the August 3, 2016 submittal or the IBR revisions in the August 22, 2018 submittal.

VI. Incorporation by Reference

In this rule, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference MDEQ regulations discussed in Section IV, *EPA's Review of the State of Montana's August 3, 2016 and August 22, 2018 Submittals (Regulatory Text),* of this preamble. The EPA has made,

and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 27, 2019.

Douglas Benevento,

Regional Administrator, EPA Region 8.

[FR Doc. 2019–03867 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2018–0801; FRL–9990–23–Region 10]

Air Plan Approval; OR; 2015 Ozone NAAQS Interstate Transport Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On September 25, 2018, the State of Oregon made a submission to the Environmental Protection Agency (EPA) to address these requirements for the 2015 ozone National Ambient Air Quality Standards (NAAQS). The EPA is proposing to approve the submission as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

DATES: Written comments must be received on or before April 4, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2018–0801 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Claudia Vaupel at (206) 553–6121, or *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. This supplementary information section is arranged as follows:

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I. Background
II. State Submission
III. EPA Evaluation
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. Background

On October 1, 2015, the EPA promulgated a revision to the ozone NAAQS (2015 ozone NAAQS), lowering the level of both the primary and secondary standards to 0.070 parts per million (ppm).[1] Section 110(a)(1) of the CAA requires states to submit, within 3 years after promulgation of a new or revised standard, SIPs meeting the applicable requirements of section 110(a)(2).[2] One of these applicable requirements is found in section 110(a)(2)(D)(i), otherwise known as the good neighbor provision, which

[1] National Ambient Air Quality Standards for Ozone, Final Rule, 80 FR 65292 (October 26, 2015). Although the level of the standard is specified in the units of ppm, ozone concentrations are also described in parts per billion (ppb). For example, 0.070 ppm is equivalent to 70 ppb.

[2] SIP revisions that are intended to meet the applicable requirements of section 110(a)(1) and (2) of the CAA are often referred to as infrastructure SIPs and the applicable elements under 110(a)(2) are referred to as infrastructure requirements.

generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on other states due to interstate transport of pollution. There are four so-called ''prongs'' within CAA section 110(a)(2)(D)(i): Section 110(a)(2)(D)(i)(I) contains prongs 1 and 2, while section 110(a)(2)(D)(i)(II) includes prongs 3 and 4. This action addresses the first two prongs under section 110(a)(2)(D)(i)(I). Under prongs 1 and 2 of the good neighbor provision, a SIP for a new or revised NAAQS must contain adequate provisions prohibiting any source or other type of emissions activity within the state from emitting air pollutants in amounts that will significantly contribute to nonattainment of the NAAQS in another state (prong 1) or from interfering with maintenance of the NAAQS in another state (prong 2). Under section 110(a)(2)(D)(i)(I) of the CAA, the EPA and states must give independent significance to prong 1 and prong 2 when evaluating downwind air quality problems under section 110(a)(2)(D)(i)(I).[3]

We note that the EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to prior ozone NAAQS in several regional regulatory actions, including the Cross-State Air Pollution Rule (CSAPR), which addressed interstate transport with respect to the 1997 ozone NAAQS as well as the 1997 and 2006 fine particulate matter standards, and the Cross-State Air Pollution Rule Update for the 2008 ozone NAAQS (CSAPR Update).[4] These actions only addressed interstate transport in the eastern United States [5] and did not address the 2015 ozone NAAQS.

Through the development and implementation of CSAPR, the CSAPR Update and previous regional rulemakings pursuant to the good neighbor provision,[6] the EPA, working in partnership with states, developed the following four-step interstate transport framework to address the requirements of the good neighbor provision for the ozone NAAQS:[7] (1) Identify downwind air quality problems; (2) identify upwind states that impact those downwind air quality problems sufficiently such that they are considered ''linked'' and therefore warrant further review and analysis; (3) identify the emissions reductions necessary (if any), considering cost and air quality factors, to prevent linked upwind states identified in step 2 from contributing significantly to nonattainment or interfering with maintenance of the NAAQS at the locations of the downwind air quality problems; and (4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

The EPA has released several documents containing information relevant to evaluating interstate transport with respect to the 2015 ozone NAAQS. First, on January 6, 2017, the EPA published a notice of data availability (NODA) with preliminary interstate ozone transport modeling with projected ozone design values for 2023, on which we requested comment.[8] The year 2023 was used as the analytic year for this preliminary modeling because that year aligns with the expected attainment year for Moderate ozone nonattainment areas.[9] On October 27, 2017, we released a memorandum (2017 memorandum) containing updated modeling data for 2023, which incorporated changes made in response to comments on the NODA.[10] Although the 2017 memorandum also released data for a 2023 modeling year, we specifically stated that the modeling may be useful for states developing SIPs to address remaining good neighbor obligations for the 2008 ozone NAAQS but did not address the 2015 ozone NAAQS. And, on March 27, 2018, we issued a memorandum (March 2018 memorandum) indicating the same 2023 modeling data released in the 2017 memorandum would also be useful for evaluating potential downwind air quality problems with respect to the 2015 ozone NAAQS (step 1 of the four-step framework). The March 2018 memorandum included newly available contribution modeling results to assist states in evaluating their impact on potential downwind air quality problems (step 2 of the four-step framework) in their efforts to develop good neighbor SIPs for the 2015 ozone NAAQS to address their interstate transport obligations.[11] The EPA subsequently issued two more memoranda in August and October 2018, providing guidance to states developing good neighbor SIPs for the 2015 ozone NAAQS concerning, respectively, potential contribution thresholds that may be appropriate to apply in step 2 and considerations for identifying downwind areas that may have problems maintaining the standard (under prong 2 of the good neighbor provision) at step 1 of the framework.[12]

The March 2018 memorandum describes the process and results of the updated photochemical and source-apportionment modeling used to project ambient ozone concentrations for the year 2023 and the state-by state impacts on those concentrations. The March 2018 memorandum also explains that the selection of the 2023 analytic year aligns with the 2015 ozone NAAQS attainment year for Moderate nonattainment areas. As described in more detail in the 2017 and March 2018 memoranda, the EPA used the Comprehensive Air Quality Model with Extensions (CAMx version 6.40) to model average and maximum design values in 2023 to identify potential nonattainment and maintenance receptors (*i.e.,* monitoring sites that are projected to have problems attaining or maintaining the 2015 ozone NAAQS). The March 2018 memorandum presents

[3] *See North Carolina* v. *EPA,* 531 F.3d 896, 909–911 (2008).

[4] *See* 76 FR 48208 (August 8, 2011) (*i.e.,* CSAPR) and 81 FR 74504 (October 26, 2016) (*i.e.,* CSAPR Update).

[5] For purposes of CSAPR and the CSAPR Update action, the Western U.S. (or the West) was considered to consist of the 11 western contiguous states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The Eastern U.S. (or the East) was considered to consist of the 37 states east of the 11 Western states.

[6] Other regional rulemakings addressing ozone transport include the NO_X SIP Call, 63 FR 57356 (October 27, 1998), and the Clean Air Interstate Rule (CAIR), 70 FR 25162 (May 12, 2005).

[7] The four-step interstate framework has also been used to address requirements of the good neighbor provision for some previous particulate matter and ozone NAAQS, including in the Western United States. *See, e.g.,* 83 FR 30380 (June 28, 2018) and 83 FR 5375, 5376–77 (February 7, 2018).

[8] *See* Notice of Availability of the Environmental Protection Agency's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS), 82 FR 1733 (January 6, 2017).

[9] 82 FR 1735 (January 6, 2017).

[10] *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2008 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I), October 27, 2017, available in the docket for this action or at *https://www.epa.gov/interstate-air-pollution-transport/interstate-air-pollution-transport-memos-and-notices.*

[11] *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I), March 27, 2018, available in the docket for this action or at *https://www.epa.gov/interstate-air-pollution-transport/interstate-air-pollution-transport-memos-and-notices.*

[12] *See* Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, August 31, 2018) (''August 2018 memorandum''), and Considerations for Identifying Maintenance Receptors for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards, October 19, 2018, available in the docket for this action or at *https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs.*

design values calculated in two ways: First, following the EPA's historic ''3 x 3'' approach [13] to evaluating all sites, and second, following a modified approach for coastal monitoring sites in which ''overwater'' modeling data were not included in the calculation of future year design values (referred to as the ''no water'' approach).

For purposes of identifying potential nonattainment and maintenance receptors in 2023, the EPA applied the same approach used in the CSAPR Update, wherein the EPA considered a combination of monitoring data and modeling projections to identify monitoring sites that are projected to have problems attaining or maintaining the NAAQS. Specifically, the EPA identified nonattainment receptors as those monitoring sites with measured values [14] exceeding the NAAQS that also have projected (*i.e.,* in 2023) average design values exceeding the NAAQS. The EPA identified maintenance receptors as those monitoring sites with projected maximum design values exceeding the NAAQS. This included sites with measured values below the NAAQS but with projected average and maximum design values exceeding the NAAQS, and monitoring sites with projected average design values below the NAAQS but with projected maximum design values exceeding the NAAQS. The EPA included the design values and monitoring data for all monitoring sites projected to be potential nonattainment or maintenance receptors based on the updated 2023 modeling in Attachment B to the March 2018 memorandum.

After identifying potential downwind nonattainment and maintenance receptors, the EPA next performed nationwide, state-level ozone source-apportionment modeling to estimate the expected impact from each state to each nonattainment and maintenance receptor.[15] The EPA included contribution information resulting from the source-apportionment modeling in Attachment C to the March 2018 memorandum. For more specific information on the modeling and analysis, please see the 2017 and March 2018 memoranda, the NODA for the preliminary interstate transport assessment, and the supporting technical documents included in the docket for this action.

In the CSAPR and the CSAPR Update, the EPA used a threshold of one percent of the NAAQS to determine whether a given upwind state was ''linked'' at step 2 of the four-step framework and would therefore contribute to downwind nonattainment and maintenance sites identified in step 1. If a state's impact did not exceed the one percent threshold, the upwind state was not ''linked'' to a downwind air quality problem, and the EPA therefore concluded the state will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in the downwind states. However, if a state's impact exceeded the one percent threshold, the state's emissions were further evaluated in step 3, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary to address the good neighbor provision.

As noted previously, on August 31, 2018, the EPA issued a memorandum (the August 2018 memorandum) providing guidance concerning potential contribution thresholds that may be appropriate to apply with respect to the 2015 ozone NAAQS in step 2. Consistent with the process for selecting the one percent threshold in CSAPR and the CSAPR Update, the memorandum included analytical information regarding the degree to which potential air quality thresholds would capture the collective amount of upwind contribution from upwind states to downwind receptors for the 2015 ozone NAAQS. The August 2018 memorandum indicated that, based on the EPA's analysis of its most recent modeling data, the amount of upwind collective contribution captured using a 1 ppb threshold is generally comparable, overall, to the amount captured using a threshold equivalent to one percent of the 2015 ozone NAAQS. Accordingly, the EPA indicated that it may be reasonable and appropriate for states to use a 1 ppb contribution threshold, as an alternative to the one percent threshold, at step 2 of the four-step framework in developing their SIP revisions addressing the good neighbor provision for the 2015 ozone NAAQS.[16]

While the March 2018 memorandum presented information regarding the EPA's latest analysis of ozone transport following the approaches the EPA has taken in prior regional rulemaking actions, the EPA has not made any final determinations regarding how states should identify downwind receptors with respect to the 2015 ozone NAAQS at step 1 of the four-step framework. Rather, the EPA noted that states have flexibility in developing their own SIPs to follow different analytical approaches than the EPA's, so long as their chosen approach has an adequate technical justification and is consistent with the requirements of the CAA.

II. State Submission

On September 25, 2018, Oregon submitted a SIP revision addressing the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2015 ozone NAAQS. Oregon relied on the results of EPA's modeling for the 2015 ozone NAAQS, contained in the March 2018 memorandum, to identify downwind nonattainment and maintenance receptors that may be impacted by emissions from sources in Oregon. Based on Oregon's review of EPA's modeling assumptions, model performance evaluation, and the modifications made in response to public comments, Oregon determined that EPA's future year projections were appropriate for purposes of evaluating Oregon's impact on attainment and maintenance of the 2015 ozone NAAQS in other states. For example, Oregon found that EPA's modeling used emissions inventory projections that accounted for state rules, announced shut downs of electric generating units such as the 2020 shutdown of the Boardman power plant, and included Oregon's adoption of California's Low Emission Vehicles III program.[17] Thus, Oregon concurred with the EPA's photochemical modeling results that indicate Oregon's greatest impact on any potential downwind nonattainment or maintenance receptor would be 0.57 ppb. Oregon compared these values to a screening threshold of 0.70 ppb, representing one percent of the 2015 ozone NAAQS, and concluded that because none of Oregon's impacts exceed this threshold, emissions from Oregon sources will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state.

III. EPA Evaluation

As previously discussed, the March 2018 memorandum identifies potential downwind nonattainment and maintenance receptors, using the definitions applied in the CSAPR Update and using both the ''3 x 3'' and

[13] *See* March 2018 memorandum, p. 4.

[14] The EPA used 2016 ozone design values, based on 2014–2016 measured data, which were the most current data at the time of the analysis. *See* attachment B of the March 2018 memorandum, p. B–1.

[15] As discussed in the March 2018 memorandum, the EPA performed source-apportionment model runs for a modeling domain that covers the 48 contiguous United States and the District of Columbia, and adjacent portions of Canada and Mexico.

[16] *See* August 2018 memorandum, p. 4.

[17] *See* ''Oregon State Implementation Plan Revision Addressing the Interstate Transport of Ozone (O_3),'' p. 5, October 2018.

the ''no water'' approaches to calculating future year design values. The March 2018 memorandum identifies 57 potential nonattainment and maintenance receptors in the West in Arizona (2), California (49), and Colorado (6).[18] The March 2018 memorandum also provides contribution data regarding the impact of other states on the potential receptors. For purposes of evaluating Oregon's 2015 ozone NAAQS interstate transport SIP submission, we propose that, at least where a state's impacts are less than one percent to downwind nonattainment and maintenance sites, it is reasonable to conclude that the state's impact will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state. This is consistent with our prior action on Oregon's SIP with respect to the 2008 ozone NAAQS [19] and with the EPA's approach to both the 1997 and 2008 ozone NAAQS in CSAPR and the CSAPR Update. The EPA notes, nonetheless, that consistent with the August 2018 memorandum, it may be reasonable and appropriate for states to use a 1 ppb contribution threshold, as an alternative to a one percent threshold, at step 2 of the four-step framework in developing their SIP revisions addressing the good neighbor provision for the 2015 ozone NAAQS. However, for the reasons discussed below, it is unnecessary for the EPA to determine whether it may be appropriate to apply a 1 ppb threshold for purposes of this action.

The EPA's updated 2023 modeling discussed in the March 2018 memorandum indicates that Oregon's largest impact on any potential downwind nonattainment and maintenance receptor in the West are 0.57 ppb and 0.45 ppb, respectively.[20] These values are less than 0.70 ppb (one percent of the 2015 ozone NAAQS),[21] and as a result, demonstrate that emissions from Oregon are not linked to any 2023 downwind potential nonattainment and maintenance receptors identified in the March 2018 memorandum. The projected impacts from Oregon to potential receptors in the East is even lower. Accordingly, we propose to conclude that emissions from Oregon will not contribute to any potential receptors, and thus, the state will not significantly contribute to nonattainment or interfere with maintenance of the NAAQS in any other state.

We also note that the EPA has assessed potential transport to the Shoshone-Bannock Tribes of the Fort Hall Reservation in southeast Idaho, which the EPA approved to be treated as an affected downwind state for CAA sections 110(a)(2)(D) and 126. While the Shoshone-Bannock Tribes do not operate an ozone monitor, the nearest ozone monitors to the Fort Hall Reservation are in Ada County, Idaho, in the Boise area and in Butte County, Idaho, in the Idaho Falls area. As discussed previously, the EPA's modeling did not identify receptors in Idaho and the ozone monitoring sites nearest to the Fort Hall Reservation were projected to remain below the current standard. For the Idaho Falls area monitoring site (Site ID 160230101), which had a 2014–2016 design value of 60 ppb, the EPA's modeling projects a 2023 maximum design value of 60.2 ppb and a 2023 average design value of 59.6 ppb, both below the 70 ppb standard. For the Boise area monitoring site with the highest projected ozone concentrations (Site ID 160010017), which had a 2014–2016 design value of 67 ppb, the EPA's modeling projects a 2023 maximum design value of 59.8 ppb and a 2023 average design value of 59.4 ppb.[22] We therefore propose to find that emissions from Oregon will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS at the Fort Hall Reservation.

IV. Proposed Action

As discussed in section II, Oregon concluded that emissions from sources in the state will not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in any other state. The EPA's evaluation of Oregon's submission, discussed in section III, confirms this finding. We are proposing to approve the Oregon submission as meeting CAA section 110(a)(2)(D)(i)(I) requirements for the 2015 ozone NAAQS. The EPA is requesting comments on the proposed approval.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

[18] The number of receptors in the identified western states is 57, irrespective of whether the ''3 x 3'' or ''no water'' approach is used. Further, although the EPA has indicated that states may have flexibilities to apply a different analytic approach to evaluating interstate transport, including identifying downwind air quality problems, because the EPA is also concluding in this proposed action that Oregon will have an insignificant impact on any potential receptors identified in its analysis, Oregon need not definitively determine whether the identified monitoring sites should be treated as receptors for the 2015 ozone standard.

[19] 80 FR 79266 (December 21, 2015).

[20] The EPA's analysis indicates that Oregon will have a 0.57 ppb impact at the potential nonattainment receptor in Sacramento, California (Site ID 60670012), which has a 2023 projected average design value of 74.5 ppb, a 2023 projected maximum design value of 75.9 ppb, and had a 2014–2016 design value of 83 ppb. The EPA's analysis further indicates that Oregon will have a 0.45 ppb impact at a potential maintenance receptor in Sacramento, California (Site ID 60675003), which has which has a projected 2023 average design value of 69.9 ppb, a 2023 projected maximum design value of 88 ppb, and had a 2014–2016 design value of 80 ppb. *See* the March 2018 memorandum, attachment C.

[21] Because none of Oregon's impacts exceed 0.70 ppb, they necessarily also do not exceed the 1 ppb contribution threshold discussed in the August 2018 memorandum.

[22] In attachment A of the 2017 memorandum, the EPA provided the projected ozone design values at individual monitoring sites nationwide. The data for the Idaho monitors is presented on page A–10.

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards; and

• Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The proposed SIP would not be approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 8, 2019.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2019–03940 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0371; FRL–9990–37–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Administrative Corrections and Emissions Statements Certification for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve two state implementation plan (SIP) revisions submitted by the District of Columbia (the District). Under the Clean Air Act (CAA), states' SIPs must require stationary sources in ozone nonattainment areas classified as marginal or above to report annual emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC). This emissions statement requirement also applies to stationary sources located in attainment areas within the Ozone Transport Region (OTR) that emit or have the potential to emit at least 50 tons per year (tpy) of VOC or 100 tpy of NO_X. The District formally submitted as a SIP revision, a statement certifying that the District's existing SIP-approved emissions statements program satisfies these CAA requirements for the 2008 ozone National Ambient Air Quality Standards (NAAQS). Upon review of the District's submittal, EPA noted minor discrepancies between the District's SIP-approved provisions, including the provision containing the District's emissions statements requirements, and the current edition of the District of Columbia Municipal Regulations (DCMR) referenced in the District's submittal. Therefore, to correct these minor discrepancies and update the District's SIP, the District also formally submitted a revised edition of the sections of the DCMR which address the discrepancies. EPA is proposing to approve the District's SIP with the current edition of these SIP-approved provisions. EPA is also proposing to approve the District's emissions statements program certification for the 2008 ozone NAAQS. EPA is proposing to approve these SIP revisions in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 4, 2019.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2018–0371 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the CAA, EPA establishes NAAQS for criteria pollutants in order to protect human health and the environment. In response to scientific evidence linking ozone exposure to adverse health effects, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS, in 1979. *See* 44 FR 8202 (February 8, 1979). The CAA requires EPA to review and reevaluate the NAAQS every 5 years in order to consider updated information regarding the effects of the criteria pollutants on human health and the environment. On July 18, 1997, EPA promulgated a revised ozone NAAQS, referred to as the 1997 ozone NAAQS, of 0.08 ppm averaged over eight hours. 62 FR 38855. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA strengthened the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. The 0.075 ppm standard is referred to as the 2008 ozone NAAQS. *See* 73 FR 16436 (March 27, 2008).

On May 21, 2012 and June 11, 2012, EPA designated nonattainment areas for the 2008 ozone NAAQS. 77 FR 30088 and 77 FR 34221. Effective July 20, 2012, the Washington, DC-MD-VA area was designated as marginal nonattainment for the 2008 ozone NAAQS. The Washington, DC-MD-VA marginal nonattainment area includes the District of Columbia. *See* 40 CFR 81.309.

Section 182 of the CAA identifies additional plan submissions and requirements for ozone nonattainment areas. Specifically, section 182(a)(3)(B) of the CAA requires that states develop and submit, as a revision to their SIP, rules which establish annual reporting requirements for certain stationary sources emitting VOCs or NO_X. Sources that are within marginal or above ozone nonattainment areas must annually report the actual emissions of NO_X and VOC to the state. However, states may waive this reporting requirement for classes and categories of stationary sources that emit under 25 tpy of NO_X

and VOC if the state provides an inventory of emissions from these classes or categories of sources as required by CAA sections 172 and 182. *See* CAA section 182(a)(3)(B)(ii).

Additionally, the District is included in the OTR established by Congress in section 184 of the CAA. Pursuant to section 184(b)(2), any stationary source located in the OTR that emits or has the potential to emit at least 50 tpy of VOC shall be considered a major stationary source and subject to the requirements which would be applicable to major stationary sources if the area was classified as a moderate nonattainment area. *See* CAA section 184. Thus, stationary sources emitting 50 tpy or more of VOCs in attainment areas in OTR states are subject to plan (or SIP) requirements in CAA section 182(b) applicable to moderate nonattainment areas. Also, section 182(f)(1) of the CAA requires that the plan provisions required for major stationary sources of VOC also apply to major stationary sources of NO_X for states with ozone nonattainment areas. A major stationary source of NO_X is defined as a stationary facility or source of air pollutants which directly emits, or has the potential to emit, 100 tpy or more of NO_X. See CAA section 302(j).

In summary, stationary sources in the OTR that emit more than 50 tpy of VOC or 100 tpy of NO_X, notwithstanding the fact that these sources are located within areas designated as attainment for the 2008 ozone NAAQS, are considered major sources and are subject to the same requirements as major stationary sources located in areas designated as moderate nonattainment areas. These requirements include the emissions statement requirements of CAA section 182(a)(3)(B). *See* CAA section 182(f) and 184(b)(2). Sources located in nonattainment areas classified as marginal or above must also submit an emissions statement as required by CAA section 182(a)(3)(B). As stated previously, states may waive the VOC or NO_X reporting requirement for classes or categories of stationary sources that emit less than 25 tpy of NO_X or 25 tpy of VOC if the state provides an inventory of emissions from such classes or categories of sources as required by CAA sections 172 and 182. *See* CAA section 182(a)(3)(B)(ii). States are required by section 182(a)(3)(B) of the CAA to submit, for approval into the state's SIP, rules requiring the sources described above to provide annual statements showing their actual emissions of NO_X and VOC to the state.

The EPA published guidance on source emissions statements in a July 1992 memorandum titled, ''Guidance on the Implementation of an Emission Statement Program'' and in a March 14, 2006 memorandum titled, ''Emission Statement Requirements Under 8-hour Ozone NAAQS Implementation'' (2006 memorandum). In addition, on March 6, 2015, EPA issued a final rule addressing a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including the emissions statement requirements of CAA section 182(a)(3)(B) (2015 final rule). 80 FR 12264. The 2006 memorandum clarified that the source emissions statement requirement of CAA section 182(a)(3)(B) was applicable to all areas designated nonattainment for the 1997 ozone NAAQS and classified as marginal or above under subpart 2, part D, title I of the CAA. Per the preamble to EPA's 2015 final rule, the source emissions statement requirement also applies to all areas designated nonattainment for the 2008 ozone NAAQS. 80 FR 12264, 12291. According to the preamble to EPA's 2015 final rule, most areas that are required to have an emissions statement program for the 2008 ozone NAAQS already have one in place due to a nonattainment designation for an earlier ozone NAAQS. 80 FR 12264, 12291. The preamble to EPA's 2015 final rule states that, ''If an area has a previously approved emissions statement rule in force for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS.'' Id. In cases where an existing emissions statement rule is still adequate to meet the emissions statement requirement under the 2008 ozone NAAQS, states may provide the rationale for that determination to EPA in a written statement for approval in the SIP to meet the requirements of CAA section 182(a)(3)(B). Id. In this statement, states should identify how the emissions statement requirements of CAA section 182(a)(3)(B) are met by their existing emissions statement rule. Id.

In summary, the District is required to submit, as a formal revision to its SIP, a statement certifying that the District's existing emissions statement program satisfies the requirements of CAA section 182(a)(3)(B) and covers the entirety of the District since it is included as part of the Washington, DC-MD-VA marginal nonattainment area for the 2008 ozone NAAQS.[1]

[1] EPA did not require the District or states to certify that its existing SIP-approved emissions statement program continued to satisfy CAA requirements for areas in the OTR to have an emissions statement program.

II. Summary of SIP Revision and EPA Analysis

On May 25, 2018, the District, through the District of Columbia Department of Energy and the Environment (DOEE), submitted, as a formal revision to its SIP, a statement certifying that the District's existing emissions statements program covers the District's portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS and is at least as stringent as the requirements of CAA section 182(a)(3)(B). Upon review of the District's emissions statements certification, EPA noted minor, stylistic and numbering discrepancies between the District's SIP-approved emissions statements provisions and the emissions statements provisions in the current publication of 20 DCMR § 500 that are cited in the District's emissions statements certification.

EPA first approved the District's emissions statements requirements found at 20 DCMR § 500.7 into the District's SIP on May 26, 1995 (60 FR 27944).[2] *See also* 40 CFR 52.470. However, in their emissions statements certification for the 2008 ozone NAAQS, the District cites 20 DCMR § 500.9 as containing their emissions statements requirements. According to DOEE, pursuant to the District of Columbia Documents Act of 1978 (D.C. Official Code § 2–611 *et seq.*) and Title III of the District of Columbia Administrative Procedures Act (APA) (D.C. Official Code § 2–551 *et seq.*), the Council granted the Administrator of the Office of Documents and Administrative Issuances (ODAI) editorial control of the DCMR to make minor changes in order to conform to their style guide without going through any official legal rulemaking process. Under this authority, it appears that the Administrator of ODAI made numbering and minor stylistic changes to several provisions under 20 DCMR § 500, which resulted in the renumbering of the District's emissions statements provisions from 20 DCMR § 500.7 to 20 DCMR § 500.9. Therefore, on December 12, 2018, the District, through DOEE, submitted a SIP revision requesting that the District's SIP be updated to reflect these minor administrative changes, including the renumbering of the District's SIP-approved emissions statements provisions from 20 DCMR

[2] 20 DCMR §§ 500.4–500.5 and 500.6 were also approved into the District's SIP on January 26, 1995 (60 FR 5134) and October 27, 1999 (64 FR 57777), respectively. These provisions concern reporting requirements related to the transfer of gasoline products.

§ 500.7 to 20 DCMR § 500.9. This SIP revision requests that EPA update the District's SIP to reflect the current citations to 20 DCMR §§ 500.4–500.9, rather than the now outdated citations to 20 DCMR §§ 500.4–500.5, 500.6, and 500.7.[3] The SIP revision also requests several minor stylistic changes to these SIP-approved provisions, including, but not limited to, the use of ''§ '' as opposed to ''section'' and the addition of semicolons.

EPA is proposing to revise the District's SIP to reflect the current edition of the DCMR for provisions under 20 DCMR §§ 500.4–500.9. EPA finds that these revisions meet the requirements of the CAA under section 110(a) and contain only minor administrative changes to regulations that were previously approved into the District's SIP. In addition, approving this SIP revision ensures that the District's SIP accurately reflects the correct citations to the District's current regulations for existing SIP-approved provisions. None of these changes affect emissions of air pollutants, and none of the changes will interfere with any applicable requirements concerning attainment of reasonable further progress or any other applicable requirements in the CAA. Thus, EPA finds that revising the District's SIP to reflect the current edition of the DCMR for the provisions under 20 DCMR §§ 500.4–500.9 is approvable under section 110(l) of the CAA.

As previously mentioned, on May 25, 2018, the District, through DOEE, submitted, as a formal revision to its SIP, a statement certifying that the District's existing emissions statements program covers the District's portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS and is at least as stringent as the requirements of CAA section 182(a)(3)(B). In their emissions statements certification, the District cites 20 DCMR § 500.9 as containing their emissions statements requirements.

The provisions under 20 DCMR § 500.9 that implement the District's emissions statements program require the owner of any stationary source that emits 25 tpy or more of NO_X or VOC to submit a statement showing the actual emissions of NO_X and VOC emitted from that source. These emissions statements are required to be submitted annually for the previous calendar year and, at a minimum, must contain the following: (1) Certification that the information in the statement is accurate to the best knowledge of the individual certifying the statement as well as the certifying individual's name and contact information; (2) source identification information including name, physical location, mailing address of the facility, latitude and longitude, and standard industrial classification code(s); (3) operating information including percentage annual throughput by season, days per week on the normal operating schedule, hours per day during the normal operating schedule, and hours per year during the normal operating schedule; (4) process rate data including annual process rate and peak ozone season daily process rate; (5) control equipment information; and (6) emissions information including, but not limited to, estimated actual emissions of NO_X and VOC in tpy and pounds per typical ozone season day. The District notes in its May 25, 2018 submittal that, pursuant to 40 CFR 51, the District is required to submit emissions inventories for criteria pollutants to EPA's Emissions Inventory System (EIS), and that sources that emit less than 25 tpy of NO_X or VOC are included in these inventories as area sources. The District states that sources that emit less than 25 tpy of NO_X and VOC are therefore addressed in accordance with CAA section 182(a)(3)(B)(ii).

EPA's review of the District's May 25, 2018 submittal finds that the District's emissions statements program under 20 DCMR § 500.9, previously codified at 20 DCMR § 500.7, satisfies the emissions statements requirements of CAA section 182(a)(3)(B) for sources located in marginal or above nonattainment areas for the 2008 ozone NAAQS. Pursuant to CAA section 182(a)(3)(B)(i), the District must require that stationary sources of NO_X or VOC located in marginal nonattainment areas within the District submit annual emissions statements that are certified by an official of the facility. Since the entire District is designated as marginal nonattainment for the 2008 ozone NAAQS as part of the Washington, DC-MD-VA 2008 ozone NAAQS marginal nonattainment area, this requirement applies to the entirety of the District. EPA finds that 20 DCMR § 500.9 satisfies the requirements of CAA section 182(a)(3)(B)(i) for the 2008 ozone NAAQS because it applies to the entire District and requires that emissions statements are certified and submitted annually.

EPA also finds that the District's emissions thresholds for requiring stationary sources to submit emissions statements satisfy the requirements of CAA section 182(a)(3)(B)(ii). Section 182(a)(3)(B)(ii) allows states to waive emissions statements requirements for any class or category of stationary sources that emit less than 25 tpy of NO_X or VOC if the state provides an inventory of emissions from such class or category of sources using approved emission factors or other methods approved by EPA. As discussed previously, the District's emissions statements requirements under 20 DCMR § 500.9 apply to the owner or operator of a stationary source that emits 25 tpy or more of NO_X or VOC. The District also states in its May 25, 2018 submittal that, pursuant to 40 CFR 51, the District includes sources that emit less than 25 tpy of NO_X or VOC as area sources in the emissions inventories that the District submits to EPA's EIS. The District does provide emissions inventories for nonattainment areas as required by CAA section 172(c)(3).[4] Therefore, EPA finds that 20 DCMR § 500.9, in conjunction with the District's inclusion of sources emitting less than 25 tpy of VOC or NO_X in emissions inventories as area sources, meet the requirements of CAA section 182(a)(3)(B)(ii).

In addition, EPA notes that since 20 DCMR § 500.9 requires stationary sources located in the entire District that emit 25 tpy or more of NO_X or VOC to submit emissions statements, 20 DCMR § 500.9 also satisfies the requirements of CAA section 182 and 184 related to the District's inclusion in the OTR. As discussed previously, sources located within areas designated attainment/unclassifiable within the OTR that emit more than 50 tpy of VOC or 100 tpy of NO_X are considered major sources and are subject to the same requirements as major stationary sources located in moderate nonattainment areas, including the emissions statements requirements of CAA section 182(a)(3)(B). *See* CAA section 182(f) and 184(b)(2). Because the District is included in the OTR, stationary sources within the District, including sources located in any areas that might in the future be re-designated as attainment areas, that emit or have the potential to emit 50 tpy of VOC or 100 tpy of NO_X, would be required to submit emissions statements. EPA finds that 20 DCMR §§ 500.9 satisfies these requirements of CAA section 182 and 184 as it requires that emissions statements are submitted

[3] As stated previously, 20 DCMR §§ 500.4–500.5, 500.6, and 500.7 were approved into the District's SIP on January 26, 1995 (60 FR 5134), October 27, 1999 (64 FR 57777), and May 26, 1995 (60 FR 27944), respectively.

[4] *See, e.g.* ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2011 Base Year Emissions Inventories for the Washington, DC-MD-VA Nonattainment Area for the 2008 Ozone National Ambient Air Quality Standard,'' 80 FR 27255 (May 13, 2015).

for stationary sources located in the District that emit 25 tpy or more of NO_X or VOC.

EPA has determined that the provisions under 20 DCMR § 500.9 satisfy the requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS. As previously mentioned, these provisions were previously SIP-approved as 20 DCMR § 500.7. Therefore, EPA is proposing to approve, as a SIP revision, the District's May 25, 2018 emissions statements certification for the 2008 ozone NAAQS as approvable under CAA section 182(a)(3)(B).

III. Proposed Action

EPA is proposing to approve as a SIP revision, the District's December 12, 2018 SIP revision updating the District's SIP to correctly cite the current DCMR numbering of previously-approved SIP measures. EPA is also proposing to approve as a SIP revision, the District's May 25, 2018 emissions statements certification for the 2008 ozone NAAQS as approvable under CAA section 182(a)(3)(B). EPA is soliciting public comment on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the current edition of the provisions under 20 DCMR §§ 500.4–500.9. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rulemaking action to approve the District's emissions statements certification for the 2008 ozone NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 21, 2019.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2019–03941 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 6106

[CBCA Case 2019–61–01; Docket No. GSA–GSACBCA–2019–0005; Sequence No. 1]

RIN 3090–AK07

Civilian Board of Contract Appeals; Rules of Procedure of the Civilian Board of Contract Appeals

AGENCY: Civilian Board of Contract Appeals; General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The Civilian Board of Contract Appeals (Board) proposes to issue rules of procedure for arbitration of disputes between applicants for public assistance grants and the Federal Emergency Management Agency (FEMA) regarding disasters after January 1, 2016.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before May 6, 2019 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to CBCA Case 2019–61–01, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''CBCA Case 2019–61–01.'' Select the link ''Comment Now'' that corresponds with ''CBCA Case 2019–61–01.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''CBCA Case 2019–61–01'' on your attached document.
- *Mail:* Civilian Board of Contract Appeals, Office of the Chief Counsel (GA), 1800 M Street NW, Sixth Floor, Washington, DC 20036.

Instructions: Please submit comments only and cite CBCA Case 2019–01, in all correspondence related to this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except

allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. James A. Johnson, Co-Chief Counsel, Civilian Board of Contract Appeals, 1800 M Street NW, Suite 600, Washington, DC 20036; at 202–606–8788; or email at *jamesa.johnson@cbca.gov,* for clarification of content. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite CBCA Case 2019–61–01.

SUPPLEMENTARY INFORMATION:

A. Background

The Board was established within GSA by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163. Board members are administrative judges appointed by the Administrator of General Services under 41 U.S.C. 7105(b)(2).

The Federal Aviation Administration Reauthorization Act of 2018, Public Law 115–254, amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5189a(d), to authorize the Board to conduct binding arbitration of certain disputes between FEMA and applicants for public assistance disaster grants. The 2018 amendment gives an applicant for public assistance the right to have the Board arbitrate eligibility for assistance (or a duty to repay past assistance) for a disaster that occurred after January 1, 2016, if the applicant has filed an appeal of the issue within FEMA, and either the applicant has waited 180 days for a decision or the applicant elects arbitration over a second appeal before any decision becomes final, and if the disputed amount is at least $100,000 for applicants in rural areas or exceeds $500,000 for other applicants.

FEMA administers Stafford Act public assistance grants under regulations at 44 CFR part 206. The Board's arbitration under the amended Act of disputes relating to disasters after January 1, 2016 resembles but is not identical to arbitration the Board has conducted since 2009 of disputes about public assistance related to Hurricanes Katrina and Rita, which happened in 2005, and Hurricane Gustav, which happened in 2008. In the American Recovery and Reinvestment Act of 2009, Public Law 111–5, and in later legislation (Pub. L. 113–6), Congress directed ''the President [to] establish an arbitration panel'' for certain Katrina, Rita, and Gustav assistance disputes. FEMA, for the President, issued a regulation creating that arbitration process (77 FR 44761) and designated the Board the arbitration authority under memoranda of agreement.

By contrast, the 2018 Stafford Act amendment expressly makes the Board the arbitrator of the post-January 1, 2016 eligibility and repayment disputes specified in the Act. This statutory language resembles other legislative grants of authority and jurisdiction to the Board, such as the Contract Disputes Act, 41 U.S.C. 7101–7109. Accordingly, the Board's rules of procedure proposed here will govern arbitrations under the amended Stafford Act, while FEMA's arbitration regulation (44 CFR 206.209) still governs the Board's Katrina, Rita, and Gustav arbitrations.

Under the Stafford Act, as amended, the Board acts for the United States Government to resolve public assistance eligibility and repayment disputes by arbitration. The American Arbitration Association defines arbitration as ''the voluntary submission of a dispute to an impartial person or persons for final and binding determination.'' Arbitration is a speedy and flexible method of dispute resolution. Under the Act, an applicant for FEMA public assistance may seek arbitration only before obtaining final agency action by FEMA as defined by 44 CFR 206.206. An arbitration decision under the proposed rules is the final action by the Executive Branch in a dispute.

FEMA has argued in prior arbitrations at the Board that the arbitrators sit in review of FEMA's public assistance grant determinations and should apply judicial doctrines of deference. The arbitrators have generally rejected that approach, reasoning that because an arbitration decision replaces final action by FEMA, the arbitrators must find facts and interpret the law independently on behalf of the Executive Branch. *E.g., Bay St. Louis-Waveland School District,* CBCA 1739–FEMA (Dec. 8, 2009). The Stafford Act amendment reinforces this conclusion by establishing a ''right of arbitration'' preceding final agency action and by stating simply that ''the decision of the Board shall be binding'' without suggesting that the Board should review, sustain, or reverse FEMA's first appeal decision.

The proposed rules retain the expedited timeline that FEMA's arbitration regulation prescribes for Katrina, Rita, and Gustav arbitrations. Like the FEMA regulation, the proposed rules provide for a hearing within 60 days of an initial conference (Rule 611) and a decision within 60 days after a hearing (Rule 613). The Board Chair may authorize exceptions in particular cases. The proposed rules eliminate or leave to the arbitrators' discretion practices that in the Board's experience have delayed or increased the costs of Katrina, Rita, and Gustav arbitrations. Under proposed Rule 608, an applicant or grantee need not add to the evidence it provided to FEMA for the first appeal. If an applicant or grantee does not submit additional evidence, the arbitrators may not need FEMA to supplement its first appeal decision. The 30-day period under the FEMA regulation for FEMA's response to an arbitration request is omitted. The panel will instead schedule any filings necessary after the arbitration request in a prompt initial conference (Rule 607). Proposed Rule 610 virtually eliminates motion practice. Board arbitrators have generally not found it efficient to resolve contested jurisdictional or merits motions during proceedings. A panel will instead issue one final decision on all pertinent issues (other than the timeliness of the arbitration request, which should be addressed in the initial conference) based on evidence presented up to the end of a hearing (Rule 611). The proposed rules also prescribe email filing and service (Rules 604, 605, 609) and clarify that a party representative need not be an attorney or be proficient at formally examining or cross-examining witnesses (Rules 605, 611).

Proposed Rule 606 continues the Board's practice of assigning three-judge arbitration panels. Under proposed Rules 607 and 611, one panel member may conduct conferences and may preside alone at a hearing outside Washington, DC, should the parties desire one. The proposed rules otherwise echo other extant arbitration rules by encouraging the arbitrators and the parties to focus on assembling, by the least costly and most efficient means possible, a record that will allow the arbitrators to issue a just and reasoned decision at the speedy pace that parties expect in arbitration.

B. Regulatory Flexibility Act

GSA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.,* and the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, because the proposed rule does not impose any additional costs on small or large businesses.

C. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because the proposed rule does not impose any information collection

requirements that require the approval of the Office of Management and Budget.

D. Congressional Review Act

The proposed rule is exempt from Congressional review under Public Law 104–121 because it relates solely to agency organization, procedure, and practice and does not substantially affect the rights or obligations of non-agency parties.

E. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, or E.O. 13563, Improving Regulation and Regulatory Review, dated January 18, 2011. This proposed rule is not a major rule under 5 U.S.C. 804.

F. Executive Order 13771

Executive Order 13771, dated February 3, 2017, sets deregulatory goals for agencies and requires the rescission of two regulations for each new regulation issued. This proposed rule is not a new regulation, but an update to the Board's existing rules of procedure, so Executive Order 13771 does not apply.

List of Subjects in 48 CFR Part 6106

Administrative practice and procedure; Disaster relief.

Dated: February 27, 2019.

Jeri Somers,

Chair, Civilian Board of Contract Appeals, General Services Administration.

■ Therefore, GSA proposes to issue 48 CFR part 6106 to read as follows:

PART 6106—RULES OF PROCEDURE FOR ARBITRATION OF PUBLIC ASSISTANCE ELIGIBILITY OR REPAYMENT

Sec.

6106.601 Scope [Rule 601].
6106.602 Authority [Rule 602].
6106.603 Purpose [Rule 603].
6106.604 Arbitration request [Rule 604].
6106.605 Parties; representation; email service [Rule 605].
6106.606 Arbitrators; panels [Rule 606].
6106.607 Initial conference [Rule 607].
6106.608 Evidence; timing [Rule 608].
6106.609 Other materials considered [Rule 609].
6106.610 Motions [Rule 610].
6106.611 Hearing; live or paper [Rule 611].
6106.612 Streamlined procedures [Rule 612].
6106.613 Decision; finality [Rule 613].

Authority: 42 U.S.C. 5189a(d).

6106.601 Scope [Rule 601].

The rules in this part establish procedures for arbitration by the Board at the request of an applicant for public assistance from the Federal Emergency Management Agency (FEMA) for a disaster that occurred after January 1, 2016.

6106.602 Authority [Rule 602].

The Board is authorized by section 423 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5189a(d), to arbitrate disputes between applicants and FEMA as to eligibility for public assistance (or repayment of past public assistance) for a disaster post-dating January 1, 2016, when the disputed amount exceeds $500,000 or, for an applicant in a rural area, is at least $100,000.

6106.603 Purpose [Rule 603].

Under the Stafford Act, the Board acts for the United States Government to resolve public assistance eligibility and repayment disputes by arbitration, a speedy and flexible method of impartial dispute resolution. Eligibility and repayment disputes come to the Board prior to final agency action by FEMA. An arbitration decision under these rules is the final action by the Executive Branch in a dispute. These rules facilitate the creation of an arbitration record sufficient to allow the Board to issue a prompt, just, and reasoned decision.

6106.604 Arbitration request [Rule 604].

An applicant for public assistance may request arbitration by following 44 CFR 206.209(e) and applicable FEMA guidance implementing section 423 of the Stafford Act. The Board is ''the arbitration administrator'' for purposes of 44 CFR 206.209(e) and applicable FEMA guidance.

Applicants shall efile arbitration requests with the Board as prescribed by Board Rule 1 (48 CFR 6101.1). Voluminous attachments may be filed separately in electronic media as if under Board Rule 4(b)(1) and (3) (48 CFR 6101.4(b)(1), (3)). The Clerk of the Board will acknowledge an arbitration request by emailing the parties a docketing notice.

6106.605 Parties; representation; email service [Rule 605].

The parties to an arbitration are the applicant, the grantee (if not the applicant), and FEMA. Each party shall have one primary representative. This person need not be an attorney but must be authorized by law, formal delegation, or by permission of the arbitrators to speak and act for the party in the arbitration. Unless otherwise advised, the Board deems the person who signed the arbitration request to be the applicant's primary representative. Any other primary representative or other party representative shall promptly efile a notice of appearance complying with Board Rule 5(b) (48 CFR 6101.5(b)). Unless otherwise directed by the panel, a party shall email its efilings to every other party's primary representative at the time of filing.

6106.606 Arbitrators; panels [Rule 606].

The Board assigns three judges as the panel of arbitrators for each request. A single arbitrator may act on behalf of a panel under Rules 607 and 611.

6106.607 Initial conference [Rule 607].

The panel will hold a telephonic scheduling conference with all parties as soon as practicable, ordinarily within 14 calendar days after the Clerk dockets an arbitration request. Each primary party representative shall participate in the conference. At least one panel member will preside. The panel will promptly issue to the parties a written summary of the conference and the schedule. A party has 5 calendar days from receipt of the panel's conference summary to efile any objection to it. The panel may hold and summarize other conferences as necessary.

6106.608 Evidence; timing [Rule 608].

No party is required to provide additional evidence. An applicant or grantee may, but need not, supplement materials it previously provided to FEMA regarding the dispute. The panel ordinarily deems FEMA's last written decision preceding the arbitration request to state FEMA's position. A party may elect to present additional evidence, *i.e.,* documents, things, or testimony tending to make a factual contention appear more or less likely to be true. If a party so elects, the panel will to the extent practicable allow a response. A panel may not exclude as untimely evidence proffered before close of arbitration under Rule 613. A panel may consider the timing or surprise nature of evidence when

assessing the significance, credibility, or probative value of the evidence.

6106.609 Other materials considered [Rule 609].

Written or oral arguments or statements of experts as to how a panel should understand evidence or apply the law are not evidence but may be presented as scheduled by the panel and may be subject to page, word, or time limits. By the close of arbitration under Rule 613, parties should provide the panel with everything it needs to make a decision. Documents written by a party for the panel during arbitration shall comply with Board Rules 1(b) (''Efiles; efiling''), 7, and 23 (48 CFR 6101.1(b), –.7, –.23).

6106.610 Motions [Rule 610].

Motions are strictly limited and should ordinarily be made orally during the initial conference under Rule 607. A later motion may be efiled. A party may make a procedural motion, such as to extend time. An applicant may move for voluntary dismissal. No party may move for a prehearing merits decision (*e.g.,* summary judgment or dismissal for failure to state a claim), or for prehearing dismissal other than on the merits except on the grounds that an arbitration request is untimely. A panel ordinarily issues one decision per arbitration.

6106.611 Hearing; live or paper [Rule 611].

Parties may conclude arbitration by presenting their positions in a hearing. A hearing may be live or, if agreed by all parties, on a written record (a ''paper hearing'') or a combination of the two. The panel will begin a hearing within 60 calendar days after the initial conference under Rule 607 unless the Board Chair approves a later date. All panel members will attend a live hearing in Washington, DC. A single panel member may conduct a live hearing elsewhere. Hearing procedures are at the panel's discretion, with the goal of promptly, justly, and finally resolving the dispute, and need not involve traditional witness examination or cross-examination. Parties should not offer fact witnesses to read legal materials or make legal arguments. Statements of fact in a hearing need not be sworn but are subject to penalty for violation of 18 U.S.C. 1001. Live hearings are not public and may not be recorded by any means without the Board's permission. The Board may have a live hearing transcribed for the panel's use. If a transcript is made, a party may purchase a copy and has 7 calendar days after a copy is available to efile proposed corrections.

6106.612 Streamlined procedures [Rule 612].

The Stafford Act provides a right of arbitration to save time and money that might otherwise be spent in the FEMA appeal process and in court. To that end, the Board encourages parties to focus on providing only the information a panel needs to resolve an eligibility or repayment dispute. Examples may include without limitation—

(a) Electing not to supplement the materials already provided to FEMA, if (or to the extent) the existing record adequately frames the dispute;

(b) Relying when possible on documents over other types of evidence;

(c) Simplifying live hearings by efiling in advance written testimony, reports, or opening statements by some witnesses or party representatives;

(d) Refraining from objecting to evidence without good cause; and

(e) Omitting duplicative and immaterial evidence and arguments.

6106.613 Decision; finality [Rule 613].

The panel will advise the parties when the arbitration is closed. The panel will resolve a dispute within 60 calendar days thereafter unless the panel advises the parties that the Board Chair approves a later date. The panel's decision may be issued in writing or orally with transcription. A decision is primarily for the parties, is not precedential, and should concisely resolve the dispute. The decision of a panel majority is the final administrative action on the arbitrated dispute and is judicially reviewable only to the limited extent provided by the Federal Arbitration Act (9 U.S.C. 10). Within 30 calendar days after issuing a decision, a panel may correct clerical, typographical, technical, or arithmetic errors. A panel may not reconsider the merits of its decision resolving an eligibility or repayment dispute.

[FR Doc. 2019–03873 Filed 3–4–19; 8:45 am]

BILLING CODE 6820–AL–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 190213109–9109–01]

RIN 0648–BI63

Temporary Rule To Establish Management Measures for Red Grouper in the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed temporary rule; emergency action.

SUMMARY: NMFS proposes to issue an emergency rule as requested by the Gulf of Mexico Fishery Management Council (Council) to address concerns regarding the Gulf of Mexico (Gulf) red grouper stock. The Council made this request after receiving new information that indicates the stock may be in decline. This proposed emergency rule would reduce the commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs). This emergency rule would be effective for 180 days, although NMFS may extend the emergency rule's effectiveness for a maximum of an additional 186 days. The intended effect of this emergency rule is to provide a temporary rapid reduction in Gulf red grouper harvest levels to protect the stock from overharvest while the Council develops permanent rulemaking.

DATES: Written comments must be received by March 20, 2019.

ADDRESSES: You may submit comments on the proposed emergency rule, identified by ''NOAA–NMFS–2018–0142,'' by either of the following methods:

- *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0142 click the* ''*Comment Now!*'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Peter Hood, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

Electronic copies of the documents in support of this emergency rule, which include an environmental assessment, may be obtained from the Southeast

Regional Office website at *http://sero.nmfs.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Hood, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage Gulf reef fish, including red grouper, under the Fishery Management Plan for Reef Fish Resources of the Gulf (FMP). The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Magnuson-Stevens Act provides the legal authority for the promulgation of emergency regulations under section 305(c) (16 U.S.C. 1855(c)).

Background

All weights in this emergency rule are in gutted weight. The current red grouper commercial and recreational ACLs and ACT were implemented through a framework action to the FMP in 2016 (81 FR 70365, October 12, 2016). These values were based on a red grouper stock ACL equal to 10.70 million lb (4.85 million kg). The current sector allocation for red grouper is 76 percent commercial and 24 percent recreational, and the commercial and recreational ACTs reduce the sector-specific ACLs by 95 percent and 92 percent, respectively. The current red grouper commercial ACL is 8,190,000 lb (3,714,922 kg) and the commercial ACT (commercial quota) is 7,780,000 lb (3,528,949 kg). The current red grouper recreational ACL is 2,580,000 lb (1,170,268 kg) and the recreational ACT is 2,370,000 lb (1,075,014 kg).

The commercial sector is managed under an individual fishing quota (IFQ) program. The commercial red grouper quota equals the commercial ACT, and is allocated to red grouper shareholders each year. The commercial IFQ program also serves as the accountability measure (AM) for the commercial sector.

The current recreational AMs specify that if the recreational ACL is reached or projected to be reached, red grouper fishing will be closed to the recreational sector for the remainder of the fishing year. If the ACL is exceeded in the following fishing year the level of harvest will be set at the prior year's recreational ACT and the length of the recreational red grouper fishing season will be adjusted based on the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT. If the stock is overfished and an overage occurs, NMFS will reduce the recreational ACL by the amount of the ACL overage in the prior fishing year. The overage adjustment will also apply to the following year's recreational ACT.

Status of Stock

The stock status of Gulf red grouper was last evaluated in 2015 through the Southeast Data Assessment Review (SEDAR) 42 stock assessment. The Council's Scientific and Statistical Committee (SSC) reviewed the assessment results and agreed with the assessment's determination that red grouper were not overfished or experiencing overfishing. At that time, the SSC recommended increases in the overfishing limit and the acceptable biological catch (ABC), which were the basis for the current commercial and recreational ACLs and ACTs.

Justification and Need for This Emergency Rule

At the October 2018 meeting, the Council requested that NMFS implement an emergency or interim rule to reduce the Gulf red grouper stock ACL for the 2019 fishing year to 4.60 million lb (2.09 million kg), or the 2017 total red grouper landings, whichever is less. The Council also began work on a red grouper framework action to reduce the red grouper catch limits on a more permanent basis. The Council took these actions based on recent information regarding the health of the stock. Since 2014, combined commercial and recreational Gulf red grouper landings have trended downwards from over 7.26 million lb (3.29 million kg) in 2014 to approximately 4.16 million lb (1.89 million kg) in 2017, an indication that the stock may be in decline. The most recent red grouper stock assessment, SEDAR 61, will not be completed until mid-2019. Therefore, the NMFS Southeast Fisheries Science Center (SEFSC) conducted an interim red grouper stock analysis to assist the SSC in developing harvest advice for 2019. The interim analysis used an index from a fishery-independent survey to compare the current stock condition with the stock condition forecast by the previous assessment (SEDAR 42). This analysis suggested that the stock may be declining. The Council's SSC reviewed the analysis and concluded that it contained too much uncertainty to use for a new ABC recommendation but did support recommending that the Council reduce the 2019 Gulf red grouper total ACL to 4.60 million lb (2.09 million kg). The Council received this advice at its meeting in October 2018.

In addition to the SSC's advice based on the interim analysis, the Council heard public testimony at the October 2018 meeting primarily from commercial fishermen. These fishermen expressed concern about the status of the red grouper stock, noting that red grouper are harder to catch than in previous years and that there appears to be a scarcity of legal-size and larger fish throughout the species' range on the west Florida shelf.

The Council also discussed the severe red tide conditions that occurred off the Florida west coast in the summer and fall of 2018, which may have adversely affected the red grouper stock. Although the impacts of this recent red tide are unknown, the 2009 SEDAR 12 update assessment indicated that a similar red tide event in 2005 reduced the red grouper spawning stock biomass.

The 2017 combined red grouper commercial and recreational landings (approximately 4.16 million lb (1.89 million kg)) are less than the SSC recommended combined ACL of 4.60 million lb (2.09 million kg). Therefore, NMFS has developed this proposed emergency rule to reduce the red grouper commercial and recreational ACLs and ACTs consistent with a stock ACL of 4.16 million lb (1.89 million kg). This emergency rule would be effective for 180 days, although NMFS may extend the emergency rule's effectiveness for a maximum of an additional 186 days. This would allow for sufficient time for the Council and NMFS to develop and implement a new framework action to manage the red grouper stock for the 2020 fishing year and beyond.

Measures Contained in This Proposed Emergency Rule

For red grouper, this emergency rule would revise the red grouper stock ACL to 4.16 million lb (1.89 million kg), which is equal to the combined red grouper commercial and recreational landings. Applying the commercial allocation of 76 percent to the stock ACL of 4.16 million lb (1.89 million kg) results in a proposed commercial ACL of 3.16 million lb (1.43 million kg). The commercial ACT would be set at 95 percent of the commercial ACL, or 3.00 million lb (1.36 million kg). This would be an approximate 60 percent reduction from the current commercial ACL and ACT.

Because commercial red grouper is managed under an IFQ program, NMFS distributes IFQ allocation to the program shareholders on January 1 of each year. After NMFS distributes the applicable commercial quota to shareholders, it cannot be recalled.

Therefore, in anticipation of this proposed emergency rule reducing the commercial quota, NMFS has withheld distribution of 59.4 percent, equivalent to 4.78 million lb (2.17 million kg) of red grouper IFQ allocation effective on January 1, 2019, through a temporary rule (83 FR 64480, December 17, 2018). If the commercial quota reduction implemented through this proposed emergency rule is not effective by June 1, 2019, the withheld commercial quota will be redistributed to the shareholders.

For the recreational sector, 24 percent of the 4.16 million lb (1.89 million kg) proposed total stock ACL results in a recreational ACL of 1.00 million lb (0.45 million kg). The recreational ACT would be set at 92 percent of the recreational ACL, or 0.92 million lb (0.42 million kg).

Emergency Rule Criteria

NMFS' Policy Guidelines for the Use of Emergency Rules (62 FR 44421, August 21, 1997) list three criteria for determining whether an emergency exists, and this proposed emergency rule would be promulgated under these criteria. Specifically, NMFS' policy guidelines require that an emergency:

(1) Result from recent, unforeseen events or recently discovered circumstances; and

(2) Present serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

NMFS has determined that reducing the red grouper 2019 commercial and recreational ACLs and ACTs for 2019 meets the three criteria required for an emergency rule. The new red grouper interim analysis developed by the SEFSC and subsequent SSC recommendation were presented to the Council at its October 2018 meeting and constitute recently discovered circumstances. In addition, public testimony at the October Council meeting expressed concern about the status of the red grouper stock, noting that red grouper appear to be scarcer in abundance than in previous years. The severe red tide event that occurred in summer and fall 2018 off the Florida west coast was also unforeseen and may have adversely affected the red grouper stock. Although the impacts of this recent red tide are unknown, the 2009 SEDAR 12 update assessment and 2015 SEDAR 42 assessment indicated that a similar 2005 red tide event depressed the red grouper spawning stock biomass. The SEDAR 61 red grouper stock assessment is presently underway and NMFS expects to present the results to the Council's SSC in July 2019.

Without this emergency rule, the red grouper ACLs and ACTs could not be effectively reduced for the 2019 fishing year. This could present a serious conservation problem if the red grouper stock is in decline, as the reduction in landings, public comment, and interim analysis may suggest.

Based on the Council's request for an interim or emergency rule, in its December 17, 2018 temporary rule, NMFS withheld the IFQ allocation equal to this emergency rule's proposed reduction in the commercial ACT (quota) (83 FR 64480). This proposed emergency rule meets the third criteria for an emergency because it would reduce the commercial quota to be effective prior to June 1, 2019. This would provide the Council and NMFS sufficient time to develop and implement a framework action that will address the new information about the red grouper stock, including the SEDAR 61 assessment, for the 2020 fishing year and beyond. However, NMFS is proposing this emergency reduction because there is sufficient time to include a 15-day comment period and implement any final emergency rule by June 1, 2019.

Classification

This action is issued pursuant to section 305(c) of the Magnuson-Stevens Act, 16 U.S.C. 1855(c). The Assistant Administrator for Fisheries, NOAA (AA), has determined that this emergency rule is necessary to provide increased protection for the Gulf red grouper stock and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is being taken pursuant to the emergency provision of Magnuson-Stevens Act and is exempt from review by the Office of Management and Budget.

NMFS prepared an initial Regulatory Flexibility Analysis (IRFA) as required by section 603 of the Regulatory Flexibility Act (RFA), for this emergency rule. The IRFA describes the economic impact this rule, if adopted, would have on small entities. A description of the action, why it is being considered, the objectives of, and legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. A description of this proposed rule and its purpose and need are contained in the **SUMMARY** section of the preamble.

This proposed rule would directly apply to recreational fishers (anglers) and commercial fishing businesses that harvest red grouper in Federal waters of the Gulf. Anglers are not considered small entities as that term is defined in 5 U.S.C. 601(6), whether fishing from for-hire fishing, private, or leased vessels. Therefore, estimates of the number of anglers directly affected by the rule and the impacts on them are not provided here. For-hire fishing businesses that harvest red grouper in Federal waters would be indirectly affected if the rule were to cause changes in angler demand for their services. However, The RFA does not consider such indirect impacts on small entities.

This proposed rule would directly affect commercial fishing businesses (NAICS code 11411) that harvest red grouper in Federal waters of the Gulf by decreasing the commercial quota for red grouper.

An annual average of 376 vessels land red grouper and an estimated 330 businesses own the vessels. All of these businesses operate in the commercial fishing industry (NAICS code 11411) and some also in related industries, such as fish and seafood merchant wholesalers (NAICS code 424460) and fish and seafood (retail) markets (NAICS code 445220). All are expected to operate primarily in the commercial fishing industry.

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily involved in commercial fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts are not in excess of $11 million (in 2017 dollars) for all of its affiliated operations worldwide. The average vessel that used bottom longline gear to harvest red grouper from 2013 through 2017 had average total annual revenue of $309,737 (in 2018 dollars), whereas the average total annual revenue for vessels that used other gear types to harvest red grouper were considerably lower. Additional examination of

annual revenues indicates the total annual revenue of each business to be less than $11 million. Consequently, all of the 330 businesses directly affected by the proposed action are identified as small.

The commercial quota would be reduced from 7.78 million lb (3,528,949 kg) to 3.00 million lb (1.36 million kg). The commercial sector landed only 3.33 million lb (1.51 million kg) in 2017. However, an average of approximately 4.56 million lb (2.07 million kg) of red grouper were landed annually from 2013 through 2017, and that average is used as the baseline landings for the analysis below. As such, the 330 small businesses would incur combined losses of red grouper landings that total approximately 1.56 million lb (0.71 million kg) and have an estimated dockside value of approximately $6.43 million (in 2018 dollars) in 2019.

The average loss per vessel is expected to vary by the gear used to harvest red grouper. The average longline vessel would incur the largest average loss of red grouper revenue ($86,857), followed in turn by the average bandit-gear vessel ($8,970), average hand hook-and-line vessel ($5,361) and average other-gear vessel ($3,079). These decreases in 2019 revenue from red grouper landings represent a 28.0 percent reduction in the average longline vessel's total revenue, a 7.3 percent reduction in the average bandit-gear vessel's total revenue, a 16.6 percent reduction in the average hand hook-and-line vessel's total revenue, and a 15.2 percent reduction in the average other-gear vessel's total revenue.

Two alternatives were considered, but not selected for red grouper commercial harvest limit revisions. The first alternative, the no action alternative, would maintain the current commercial quota. Although the no-action alternative would have no adverse economic impact in 2019, it would have the largest long-term costs to small businesses because it could allow for the largest decline of the status of the stock. The second non-selected alternative would reduce the commercial quota to 3.32 million lb (1.51 million kg), and have a smaller adverse economic impact than the selected alternative. However, this alternative could have smaller long-term benefits than the selected alternative because it may allow for less improvement of the stock's status.

List of Subjects in 50 CFR Part 622

Annual catch limits, Fisheries, Fishing, Gulf of Mexico, Red grouper, Quotas.

Dated: February 26, 2019.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.39, suspend paragraph (a)(1)(iii)(C) and add paragraph (a)(1)(iii)(D) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(D) *Red grouper*—3.00 million lb (1.36 million kg)

* * * * *

■ 3. In § 622.41, suspend paragraph (e) and add paragraph (r) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(r) *Red grouper*—(1) *Commercial sector.* The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial red grouper. The applicable commercial ACL for red grouper, in gutted weight, is 3.16 million lb (1.43 million kg).

(2) *Recreational sector.* (i) Without regard to overfished status, if red grouper recreational landings, as estimated by the SRD, reach or are projected to reach the applicable ACL specified in paragraph (r)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

(ii) Without regard to overfished status, and in addition to the measures specified in paragraph (r)(2)(i) of this section, if red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (r)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register to maintain the red grouper ACT, specified in paragraph (r)(2)(iv) of this section, for that following fishing year at the level of the prior year's ACT, unless the best scientific information available determines that maintaining the prior year's ACT is unnecessary. In addition, the notification will reduce the length of the recreational red grouper fishing season the following fishing year by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in the following fishing year.

(iii) If red grouper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (r)(2)(iv) of this section, the following measures will apply. In addition to the measures specified in paragraphs (r)(2)(i) and (ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the ACL overage in the prior fishing year, and reduce the ACT, as determined in paragraph (r)(2)(ii) of this section, by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iv) The recreational ACL for red grouper, in gutted weight, is 1.00 million lb (0.45 million kg). The recreational ACT for red grouper, in gutted weight, is 0.92 million lb (0.42 million kg).

[FR Doc. 2019–03829 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 84, No. 43
Tuesday, March 5, 2019

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[AMS–SC–19–0020; SC19–990–1]

2018 Farm Bill Implementation Listening Session on Hemp

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In preparing to implement the Agriculture Improvement Act of 2018 (commonly referred to as the 2018 Farm Bill), the Agricultural Marketing Service (AMS) will host a listening session for initial public input about a new program to regulate hemp production. The listening session will provide interested parties with an opportunity to assist the Agency's future rulemaking efforts by sharing their views on how the United States Department of Agriculture (USDA) can partner with agriculture agencies representing states, territories, and Indian tribes to implement a nationwide program for overseeing the production of industrial hemp.

DATES: *Listening session:* The listening session will be on March 13, 2019, and will begin at 12:00 p.m. and conclude by 3:00 p.m.

Registration: You must register by March 11, 2019, to speak during the listening session and to provide oral comments during the listening session. Register in advance for this webinar: *https://zoom.us/webinar/register/WN_L2G9K7cXTkayQ2O1_0AP0g.* After registering, you will receive a confirmation email containing information about joining the webinar.

Comments: For those presenting comments at the online listening session, a written copy of your comments is due by March 11, 2019. You may use *farmbill.hemp@usda.gov* to submit your written comments via email. AMS will make the agenda for the session available on the website by March 11, 2019.

FOR FURTHER INFORMATION CONTACT: Andrew Hatch; phone: (202) 720–6862 or email: *andrew.hatch@usda.gov.* Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: On December 20, 2018, the 2018 Farm Bill (Pub. L. 115–334) was signed into law (see *https://www.congress.gov/bill/115th-congress/house-bill/2/text*). The Secretary of Agriculture and the respective USDA agencies, including AMS, are working to implement the provisions of the 2018 Farm Bill as expeditiously as possible to meet the needs of producers and other stakeholders. To allow for public input and ensure transparency, it is important to hear from stakeholders regarding their priorities, concerns, and requests.

The purpose of the listening session is for AMS to hear from the public; this is not a discussion with AMS officials or a question-and-answer session. The purpose is for AMS to receive public input that the agency can factor into discretionary decisions that need to be made to implement the specific provision of the 2018 Farm Bill.

The listening session will begin with brief opening remarks from AMS. Individual speakers providing oral comments will be limited to 3–5 minutes each, depending on the number of people who register to speak. As noted above, we request that speakers providing oral comments also submit a written copy of their comments prior to the session. All stakeholders and interested members of the public are welcome to register to provide oral comments.

Instructions for Participating in the Listening Session: Space for participation during the online listening session is limited to the first 1,000 registrants. All persons wishing to participate must submit their comment via email to *farmbill.hemp@usda.gov* by March 11, 2019. In addition to your comment, please include the following in your submission:

- First and last name
- Organization
- Title
- Address (City and State)
- Email address
- Phone number

If you require special accommodations, such as a sign language interpreter, use the contact information above. The listening session location is accessible to persons with disabilities.

Dated: February 28, 2019.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2019–03912 Filed 3–4–19; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0006]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Fresh Andean Blackberry and Raspberry Fruit From Ecuador Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the importation of fresh Andean blackberry and raspberry fruit from Ecuador into the continental United States.

DATES: We will consider all comments that we receive on or before May 6, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal: Go to http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0006.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0006, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHlS-2019-0006* or in our

reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of fresh Andean blackberry and raspberry fruit from Ecuador into the continental United States, contact Ms. Claudia Ferguson, Senior Regulatory Policy Coordinator, RCC, IRM, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2352. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Fresh Andean Blackberry and Raspberry Fruit From Ecuador Into the Continental United States.

OMB Control Number: 0579–0435.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States.

The regulations in ''Subpart L-Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–12, referred to as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The Animal and Plant Health Inspection Service allows the importation of fresh Andean blackberries and raspberries into the United States from Ecuador. As a condition of entry, the fruit must be produced in accordance with a systems approach. This systems approach includes information activities such as production and packinghouse registration, an operational workplan, records of fruit fly trap placement and monitoring, recordkeeping, and a quality control program. The fruit must also be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Ecuador stating that the consignment was produced and prepared for export in accordance with the requirements.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 1.3 hours per response.

Respondents: Shippers and producers of fresh Andean blackberries and raspberries and the NPPO of Ecuador.

Estimated annual number of respondents: 28.

Estimated annual number of responses per respondent: 5.75.

Estimated annual number of responses: 161.

Estimated total annual burden on respondents: 209 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 27th day of February 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–03859 Filed 3–4–19; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0003]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Wooden Handicrafts From China

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the importation of wooden handicrafts from China.

DATES: We will consider all comments that we receive on or before May 6, 2019.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0003.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2019–0003, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0003* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of wooden handicrafts from China, contact Mr. J. Tyrone Jones, Trade Director, PIM, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 851–2344. For more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Wooden Handicrafts From China.

OMB Control Number: 0579–0357.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of wooden handicrafts from China are contained in ''Subpart I—Logs, Lumber, and Other Wood Articles'' (7 CFR 319.40–1 through 319.40–11).

The regulations provide the requirements for the importation of wooden handicrafts from China. These regulations include and require the use of an identification tag. All packages that are used to ship wooden handicrafts must be labeled with a merchandise tag containing the identity of the product manufacturer. This tag must be applied to each shipping package in China prior to export and remain attached to the package until it reaches the location at which the wooden handicraft will be sold in the United States. Fumigation certificates are also required to verify that the articles have been treated in accordance with the regulations. An import permit must also be issued by the Animal and Plant Health Inspection Service, which requires importers to complete an application. In addition, importers must provide a notice of arrival and respond to emergency action notifications, when applicable.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.002 hours per response.

Respondents: Exporters of wooden handicrafts from China.

Estimated annual number of respondents: 432.

Estimated annual number of responses per respondent: 8,541.25.

Estimated annual number of responses: 3,689,821.

Estimated total annual burden on respondents: 7,469 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 27th day of February 2019.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2019–03858 Filed 3–4–19; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Jersey Advisory Committee to the Commission will convene by conference call, on Friday, March 15, 2019 at 11:30 a.m. (EDT). The purpose of the meeting is to discuss and vote to select the Committee's civil rights project.

DATES: Friday, March 15, 2019, at 11:30 a.m. (EDT).

Public Call-In Information: Conference call number: 1–888–394–8218 and conference call ID number: 6970676.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–394–8218 and conference call ID number: 6970676. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–888–394–8218 and conference call ID number: 6970676.

Members of the public are invited to make statements during the Public Comment section of the meeting or to submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at: *https://gsageo.force.com/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzjVAAQ* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Friday, March 15, 2019 at 11:30 a.m. (EDT)

I. Welcome and Roll Call
II. Planning Meeting
—Discuss Project Topics
—Discuss and Vote to Select the Project Topic
III. Other Business
IV. Next Meeting
V. Public Comment
VI. Adjourn

Dated: February 28, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03918 Filed 3–4–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Delaware Advisory Committee to the Commission will convene by conference call, on Monday, March 18, 2019 at 4:00 p.m. (EDT). The purpose of the meeting is to discuss preparation of the Committee's report on implicit bias and policing in communities of color in Delaware.

DATES: Monday, March 18, 2019 at 4:00 p.m. (EDT).

Public Call-In Information: Conference call number: 1–888–254–3590 and conference call ID: 4124362.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–254–3590 and conference call ID: 4124362. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–888–254–3590 and conference call ID: 4124362.

Members of the public are invited make statements during the Public Comment section of the meeting or to submit written comments; the written comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue Suite 1150, Washington, DC 20425 or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at: *https://gsageo.force.com/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlEAAQ* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Monday, March 18, 2019 at 4:00 p.m. (EDT)

I. Welcome and Roll Call
II. Report Progression
III. Other Business
IV. Public Comment
V. Next Meeting
VI. Adjourn

Dated: February 28, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03917 Filed 3–4–19; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Tuesday March 26, 2019, from 12–1 p.m. EST for the purpose of discussing civil rights in the state.

DATES: The meeting will be held on Tuesday March 26, 2019, from 12–1 p.m. EST, *Public Call Information:* Dial: 877–260–1479; Conference ID: 3539312.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: This meeting is free and open to the public. Members of the public may join through the above listed toll free call in number. Members of the public will be invited to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Introductions

Discussion: Lead Poisoning of Indiana's Children (Environmental Justice Project Proposal)

Public Comment

Adjournment

Dated: February 28, 2019.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2019–03919 Filed 3–4–19; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2079]

Approval of Subzone Status; Gulf Coast Growth Ventures LLC, San Patricio County, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Port of Corpus Christi Authority, grantee of Foreign-Trade Zone 122, has made application to the Board for the establishment of a subzone at the facilities of Gulf Coast Growth Ventures LLC, located in San Patricio County, Texas (FTZ Docket B–59–2018, docketed September 25, 2018);

Whereas, notice inviting public comment has been given in the **Federal Register** (83 FR 49356, October 1, 2018) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facilities of Gulf Coast Growth Ventures LLC, located in San Patricio County, Texas (Subzone 122W), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: February 27, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2019–03926 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–29–2019]

Foreign-Trade Zone 279—Terrebonne Parish, Louisiana; Application for Expansion of Subzone 279A; Thoma-Sea Marine Constructors, L.L.C., Houma and Lockport, Louisiana

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Houma-Terrebonne Airport Commission, grantee of FTZ 279, requesting an expansion of Subzone 279A on behalf of Thoma-Sea Marine Constructors, L.L.C. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 27, 2019.

Subzone 279A was approved on May 25, 2016 (S–8–2016, 81 FR 35298, June 2, 2016) and currently consists of the following sites: *Site 1* (14.44 acres)—137 Barry Belanger Street (1874 Industrial Boulevard), Houma; *Site 2* (63.758 acres)—6130 Louisiana Highway 308, Lockport; *Site 3* (21.8 acres)—429 Rome Woodard Street (429 Main Port Court), Houma; and, *Site 4* (18.377 acres)—139 Joe Brown Road, Lockport. A notification of production activity was authorized on June 2, 2016 (B–5–2016, 81 FR 37570, June 10, 2016).

The applicant is requesting authority to expand Subzone 279A to include an additional site: *Proposed Site 5* (12.9 acres)—202 Industrial Boulevard, Houma. The expanded subzone would be subject to the existing activation limit of FTZ 279. No additional authorization for production activity has been requested at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 15, 2019. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 29, 2019.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: February 27, 2019.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2019–03925 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Fresh Tomatoes From Mexico: Intent To Terminate Suspension Agreement, Rescind the Sunset and Administrative Reviews, and Resume the Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) intends to terminate the 2013 Suspension Agreement on Fresh Tomatoes from Mexico (2013 Agreement), rescind the five-year sunset review of the suspended investigation and the administrative review of the 2013 Agreement, and to resume the antidumping duty (AD) investigation initiated in 1996.

DATES: Applicable March 5, 2019.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Rebecca Lee, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162 or (202) 482–6188, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 18, 1996, Commerce initiated an AD investigation to determine whether imports of fresh tomatoes from Mexico are being, or are likely to be, sold in the United States at

less than fair value (LTFV).[1] On May 16, 1996, the United States International Trade Commission (ITC) notified Commerce of its affirmative preliminary injury determination.

On October 10, 1996, Commerce and certain tomato growers/exporters from Mexico initialed a proposed agreement to suspend the AD investigation. On October 28, 1996, Commerce issued its *1996 Preliminary Determination* and found imports of fresh tomatoes from Mexico were being sold at LTFV in the United States.[2] On the same day, Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico signed an agreement to suspend the investigation (1996 Agreement).[3]

On May 31, 2002, certain tomato growers/exporters from Mexico accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to Commerce of their withdrawal from the 1996 Agreement, effective July 30, 2002. Because the 1996 Agreement would no longer cover substantially all imports of fresh tomatoes from Mexico, effective July 30, 2002, Commerce terminated the 1996 Agreement, terminated the sunset review of the suspended investigation, and resumed the AD investigation.[4]

On November 8, 2002, Commerce and certain tomato growers/exporters from Mexico initialed a proposed agreement suspending the resumed AD investigation on imports of fresh tomatoes from Mexico. On December 4, 2002, Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico signed a new suspension agreement (2002 Agreement).[5]

On November 26, 2007, certain tomato growers/exporters from Mexico accounting for a significant percentage of all fresh tomatoes imported into the United States provided written notice to Commerce of their withdrawal from the 2002 Agreement, effective 90 days from the date of their withdrawal letter (*i.e.,* February 24, 2008), or earlier, at Commerce's discretion.

On November 28, 2007, Commerce and certain tomato growers/exporters from Mexico initialed a new proposed agreement to suspend the AD investigation on imports of fresh tomatoes from Mexico. On December 3, 2007, Commerce released the initialed agreement to interested parties for comment. On December 17 and 18, 2007, several interested parties filed comments in support of the initialed agreement.

Because the 2002 Agreement would no longer cover substantially all imports of fresh tomatoes from Mexico, Commerce published a notice of intent to terminate the 2002 Agreement, intent to terminate the five-year sunset review of the suspended investigation, and intent to resume the AD investigation.[6] On January 16, 2008, Commerce published a notice of termination of the 2002 Agreement, termination of the five-year sunset review of the suspended investigation, and resumption of the AD investigation, effective January 18, 2008.[7] On January 22, 2008, Commerce signed a new suspension agreement (2008 Agreement) with producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico.[8]

On August 15, 2012, certain growers/exporters of fresh tomatoes from Mexico filed a letter with Commerce requesting consultations under Section IV.G.[9] of the 2008 Agreement, and Commerce agreed to consult. As a result of these consultations, on February 2, 2013, Commerce and tomato growers/exporters from Mexico accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico initialed a draft agreement that would suspend a resumed AD investigation on fresh tomatoes from Mexico. On February 08, 2013, Commerce published a notice of intent to terminate the 2008 Agreement, intent to terminate the five-year sunset review of the suspended investigation, and intent to resume the AD investigation.[10] On March 1, 2013, Commerce issued a notice of termination of the 2008 Agreement, termination of the five-year sunset review of the suspended investigation, and resumption of the AD investigation.[11] On March 4, 2013, Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico signed a new suspension agreement (2013 Agreement).[12]

On January 9, 2018, Commerce issued a letter that formally opened consultations with the Mexican tomato growers/exporters to negotiate possible revisions to the 2013 Agreement.[13] Since that time, Commerce has continued to negotiate with the Mexican growers/exporters and, in parallel, has continually consulted with representatives of the domestic industry.

On February 1, 2018, Commerce initiated a five-year sunset review of the suspended investigation.[14] On March 29, 2018, the Florida Tomato Exchange (FTE), a member of the U.S. petitioning industry, filed a request that Commerce conduct an administrative review on growers/exporters of fresh tomatoes from Mexico covered by the 2013 Agreement. On May 2, 2018, Commerce initiated the administrative review of the 2013 Agreement.[15] On August 27, 2018, Commerce published in the **Federal Register** the preliminary results of the five-year sunset review of the suspended investigation.[16] Commerce preliminarily found dumping was likely to continue or recur at weighted-average margins up to 188.14 percent.

On November 14, 2018, the FTE filed a request that Commerce terminate the

[1] *See Initiation of Antidumping Duty Investigation: Fresh Tomatoes from Mexico,* 61 FR 18377 (April 25, 1996).

[2] *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Fresh Tomatoes from Mexico,* 61 FR 56608 (November 1, 1996) (*1996 Preliminary Determination*).

[3] *See Suspension of Antidumping Investigation: Fresh Tomatoes from Mexico,* 61 FR 56618 (November 1, 1996).

[4] *See Notice of Termination of Suspension Agreement, Termination of Sunset Review, and Resumption of Antidumping Investigation: Fresh Tomatoes from Mexico,* 67 FR 50858 (August 6, 2002).

[5] *See Suspension of Antidumping Investigation: Fresh Tomatoes from Mexico,* 67 FR 77044 (December 16, 2002).

[6] *See Fresh Tomatoes from Mexico: Notice of Intent to Terminate Suspension Agreement, Intent to Terminate the Five-Year Sunset Review, and Intent to Resume Antidumping Investigation,* 72 FR 70820 (December 13, 2007).

[7] *See Fresh Tomatoes from Mexico: Notice of Termination of Suspension Agreement, Termination of Five-Year Sunset Review, and Resumption of Antidumping Investigation,* 73 FR 2887 (January 16, 2008).

[8] See Suspension of Antidumping Investigation: Fresh Tomatoes from Mexico, 73 FR 4831 (January 28, 2008).

[9] Section IV.G. of the 2008 Agreement states that Commerce will consult with signatory producers/exporters regarding the operations of the 2008 Agreement. A party may request such consultations in any April or September (*i.e.* prior to the beginning of each season) following the first year of the signing of the 2008 Agreement.

[10] *See Fresh Tomatoes from Mexico: Intent To Terminate Suspension Agreement and Resume Antidumping Investigation and Intent To Terminate Sunset Review,* 78 FR 9366 (February 8, 2013).

[11] *See Fresh Tomatoes from Mexico: Termination of Suspension Agreement, Termination of Five-Year Sunset Review, and Resumption of Antidumping Investigation,* 78 FR 14771 (March 7, 2013).

[12] *See Fresh Tomatoes from Mexico: Suspension of Antidumping Investigation,*78 FR 14967 (March 8, 2013).

[13] *See* Letter from Commerce to CAADES *et al.,* ''Consultations on the 2013 Agreement Suspending the Antidumping Investigation on Fresh Tomatoes from Mexico,'' dated January 9, 2018.

[14] *See Initiation of Five-Year (Sunset) Reviews,* 83 FR 4641 (February 1, 2018).

[15] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 19215 (May 2, 2018).

[16] *See Fresh Tomatoes from Mexico: Preliminary Results of the Five-Year Sunset Review of the 2013 Suspension Agreement on Fresh Tomatoes from Mexico* 83 FR 43642 (August 27, 2018).

2013 Agreement and resume the AD investigation under Section VI.B of the 2013 Agreement.[17] Section VI.B of the 2013 Agreement states that ''the signatories or the Department may withdraw from this Agreement upon ninety days written notice to the other party.'' On November 27, 2018, the Fresh Produce Association of the Americas, filed a rebuttal to FTE's request to terminate.[18] On November 26, 2018 and November 28, 2018, respectively, Confederación de Asociaciones Agrícolas del Estado de Sinaloa, A.C., Consejo Agrícola de Baja California, A.C., Asociación Mexicana de Horticultura Protegida, A.C., Asociación de Productores de Hortalizas del Yaqui y Mayo, and Sistema Producto Tomate (CAADES *et al.* or the Mexican growers) submitted responses to FTE's previous request for Commerce to terminate the 2013 Agreement.[19] [20] On December 18, 2018, NS Brands, Ltd (NatureSweet), a signatory to the 2013 Agreement, filed a letter in support of the November 28, 2018 response by the Mexican growers.[21]

Scope of the Agreement

The merchandise subject to the 2013 Agreement is all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this suspended investigation, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the tomato product into juices, sauces, or purees. Fresh tomatoes that are imported for cutting up, not further processing (*e.g.,* tomatoes used in the preparation of fresh salsa or salad bars), are covered by the 2013 Agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as Lycopersicon esculentum. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by the 2013 Agreement.

Tomatoes imported from Mexico covered by the 2013 Agreement are classified under the following subheading of the Harmonized Tariff Schedule of the United States (HTSUS), according to the season of importation: 0702. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of the 2013 Agreement is dispositive.

Intent To Terminate Suspension Agreement and Resume the Antidumping Investigation

On February 6, 2019, Commerce gave notice of intent to withdraw from the 2013 Agreement to the Mexican signatories.[22] [23] In accordance with Section VI.B of the 2013 Agreement, Commerce's withdrawal from the 2013 Agreement shall be effective on May 7, 2019 which is 90 days after such notice.[24] If parties do not reach a new suspension agreement on or before May 7, 2019, Commerce intends to terminate the 2013 Agreement and resume the underlying AD investigation, in accordance with section 734(i)(1)(B) of the Tariff Act of 1930, as amended (the Act). Pursuant to section 734(i)(1)(B) of the Act, Commerce will resume the investigation as if it had published the affirmative preliminary determination under section 733(b) of the Act on the effective date of the termination, May 7, 2019. As explained in its *1996 Preliminary Determination,* Commerce postponed the final determination until the 135th day after the date of the preliminary determination.[25] Commerce, therefore, will issue its final determination in a resumed investigation 135 days after the affirmative preliminary determination (*i.e.* the effective date of termination of the 2013 Agreement on May 7, 2019), unless a new suspension agreement becomes effective. However, if Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico sign a new suspension agreement, following the notice and comment period provided in accordance with section 734(c) of the Act, the resumed investigation will be suspended.

On February 14, 2019, and February 19, 2019, the Mexican growers and NatureSweet, respectively, filed comments in response to Commerce's intent to withdraw.[26] [27]

Intent To Rescind the Five-Year Sunset Review

On February 1, 2018, Commerce initiated a five-year sunset review of the suspended AD investigation on fresh tomatoes from Mexico pursuant to section 751(c) of the Act. If Commerce terminates the 2013 Agreement, there will no longer be a suspended investigation of which to conduct a sunset review. Therefore, Commerce will rescind the sunset review of the suspended AD investigation on fresh tomatoes from Mexico, effective on the date of termination of the 2013 Agreement, if the 2013 Agreement is terminated.

Intent To Rescind the Administrative Review

On May 2, 2018, Commerce initiated an administrative review of the 2013 Agreement for the period March 1, 2017 through February 28, 2018. If Commerce terminates the 2013 Agreement, the ongoing administrative review would be moot. Therefore, Commerce will rescind the administrative review of the 2013 Agreement, effective on the date of termination of the 2013 Agreement.

International Trade Commission

Commerce has notified the ITC of its intent to terminate the 2013 Agreement and resume the suspended AD investigation.[28] If Commerce resumes the suspended AD investigation, and if Commerce makes a final affirmative determination in the investigation, the

[17] *See* Letter to Wilbur Ross, Secretary of Commerce, from the FTE, ''Fresh Tomatoes from Mexico: Request to Terminate Antidumping Suspension Agreement,'' dated November 14, 2018.

[18] *See* Letter to Wilbur Ross, Secretary of Commerce, from the Fresh Produce Association of the Americas, ''Re: Fresh Tomatoes from Mexico: FTE's Misleading Request to Terminate Agreement,'' dated November 27, 2018.

[19] *See* Letter to Wilbur Ross, Secretary of Commerce, from CAADES *et al.,* ''2013 Suspension Agreement on Fresh Tomatoes from Mexico,'' dated November 26, 2018.

[20] *See* Letter to Wilbur Ross, Secretary of Commerce, from CAADES *et al.,* ''2013 Suspension Agreement on Fresh Tomatoes from Mexico,'' dated November 28, 2018.

[21] *See* Letter to Wilbur Ross, Secretary of Commerce, from NS Brands, Ltd., ''2013 Suspension Agreement on Fresh Tomatoes from Mexico: NS Brands' Response to Petitions Request to Terminate 2013 Suspension Agreement,'' dated December 18, 2018.

[22] *See* Letter to Interested Parties from P. Lee Smith, Deputy Assistant Secretary for Policy & Negotiations, re ''Withdrawal from the 2013 Suspension Agreement on Fresh Tomatoes from Mexico,'' dated February 6, 2019.

[23] *See* Ex Parte Memorandums for Telephone Calls to Interested Parties, filed February 13, 2019.

[24] Ninety days from December 31, 2018 falls on March 31, 2019. Because this date falls on a non-business day (*i.e.,* the weekend), consistent with Commerce's practice, the period will run until the next business day. *See Notice of Clarification: Application of* ''*Next Business Day*'' *Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[25] *See 1996 Preliminary Determination* at 56609.

[26] *See* Letter to Wilbur Ross, Secretary of Commerce, from CAADES *et al.,* ''2013 Suspension Agreement on Fresh Tomatoes from Mexico,'' dated February 14, 2019.

[27] *See* Letter to Wilbur Ross, Secretary of Commerce, from NatureSweet, ''*2013 Suspension Agreement on Fresh Tomatoes from Mexico:* NS Brands' Response to the Commerce Department's letter of Withdrawal from 2013 Suspension Agreement,'' dated February 19, 2019.

[28] *See* Letter to Michael Anderson, Director of Office of Investigations, from P. Lee Smith, Deputy Assistant Secretary for Policy & Negotiations, re ''Fresh Tomatoes from Mexico: Withdrawal from the 2013 Suspension Agreement,'' dated February 6, 2019.

ITC is scheduled to make its final determination concerning injury within 45 days of publication of Commerce's final determination. If both Commerce's and the ITC's final determinations are affirmative, Commerce will issue an AD order. However, as indicated above, if Commerce and producers/exporters accounting for substantially all imports of fresh tomatoes from Mexico sign a new suspension agreement, following the notice and comment period provided in accordance with section 734(c) of the Act, the resumed investigation will be suspended.

Suspension of Liquidation

If Commerce terminates the 2013 Agreement and resumes the suspended AD investigation as described above, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of fresh tomatoes from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the termination of the 2013 Agreement. CBP shall require AD cash deposits or bonds for entries of the subject merchandise based on the preliminary dumping margins, which range from 4.16 to 188.45 percent.[29]

Administrative Protective Order Access and Applicable Regulations

The following requirements will apply if and during such time as the suspended investigation is resumed. Because of the significant changes made to the administrative protective order (APO) process since initiation of the investigation in 1996, Commerce will issue a new APO for any resumed investigation that will supersede the previously issued firm-specific APOs. Those authorized applicants that were granted APOs during the original investigation, as indicated in the most recent APO service list on Commerce's website, will continue to have access to business proprietary information under APO. Any new APO applications or necessary amendments for changes in staff under the pre-existing APOs should be submitted promptly, and in accordance with Commerce's regulations currently in effect.[30]

In addition, because of the significant changes made to Commerce's filing and certification requirements since the investigation, including electronic filing, Commerce intends to apply its current regulations and practices with regard to filing and certification, should the AD investigation be resumed.[31] However, with respect to all other procedures for the conduct of any resumed investigation generally, including any possible suspension thereof, Commerce's regulations in effect in 1996 shall govern.[32]

This determination is issued and published in accordance with section 733(f) and 734(i) of the Act.

Dated: February 27, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–03928 Filed 3–4–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for April 2019

Pursuant to section 751(c) of the Act, the following Sunset Review is scheduled for initiation in April 2019 and will appear in that month's *Notice of Initiation of Five-Year Sunset Reviews (Sunset Review).*

	Department contact
Antidumping Duty Proceedings	
Circular Welded Carbon Quality Steel Line Pipe from China (A–570–935) (2nd Review)	Matthew Renkey (202) 482–2312.
Freshwater Crawfish Tailmeat (A–570–848) (4th Review)	Joshua Poole (202) 482–1293.
Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products from Japan (A–588–869) (1st Review)	Jacqueline Arrowsmith (202) 482–5255.
Countervailing Duty Proceedings	
Circular Welded Carbon Quality Steel Line Pipe from China (C–570–936) (2nd Review)	Joshua Poole (202) 482–1293.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in April 2019.	

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year* (*Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within

[29] *See 1996 Preliminary Determination.*

[30] *See* section 777(c)(1) of the Act and 19 CFR 351.103, 351.304, 351.305 and 351.306.

[31] *See* 19 CFR 351.303(b) and (g).

[32] *See* 19 CFR 351.701; *San Vicente Camalu SPR de Ri* v. *United States,* 491 F.Supp.2d 1186 (CIT 2007).

15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2019.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–03924 Filed 3–4–19; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Weihai Zhongwei Rubber Co., Ltd. (Zhongwei) sold subject merchandise in the United States at prices below normal value (NV) during the period of review (POR) September 1, 2016, through August 31, 2017.

DATES: Applicable March 5, 2019.

FOR FURTHER INFORMATION CONTACT: Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5139.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review on certain new pneumatic off-the-road tires (OTR Tires) from the People's Republic of China (China) on October 11, 2018.[1] We invited interested parties to comment on the *Preliminary Results;* however, no interested party submitted comments. For a discussion of events subsequent to the *Preliminary Results, see* Zhongwei's Analysis Memorandum.[2]

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[3] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results decision is now March 20, 2019.

Scope of the Order

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[4]

Separate Rate

In our *Preliminary Results,* we found that information placed on the record by Zhongwei demonstrates that it is entitled to separate rate status, which we preliminarily granted. We received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering the determination with respect to the separate rate status of this entity. Therefore, for the final results, we continue to find that Zhongwei is eligible for a separate rate.

Changes Since the Preliminary Results

As noted above, we received no comments in response to the *Preliminary Results.* Accordingly, for the purposes of these final results, Commerce has made no substantive changes to the *Preliminary Results.* However, subsequent to the issuance of the *Preliminary Results* Commerce became aware of certain ministerial errors made with respect to the preliminary margin calculation for Zhongwei. We notified parties of these specific ministerial errors, and the adjustments we intended to make to the preliminary margin calculation to correct for these errors, in a memorandum to the file on October 18, 2018.[5] The October 18, 2018, memorandum also established the briefing schedule for this administrative review and invited interested parties to comment on the *Preliminary Results,* including the intended changes identified therein, by November 12, 2018. As no interested party to this proceeding commented on the *Preliminary Results,* or the October 18, 2018 memorandum, we have incorporated the corrections to the self-identified ministerial errors detailed in that memorandum in calculating the final weighted-average margin for Zhongwei for these final results.[6]

Final Results of the Review

Commerce determines that the following weighted-average dumping margin exists for the POR from September 1, 2016, through August 31, 2017:

Exporter	Weighted-average dumping margin (USD)
Weihai Zhongwei Rubber Co., Ltd	1.45

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[7] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the China-wide entity. Because no party

[1] *See Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 51439 (October 11, 2018) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* memorandum, ''Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from the People's Republic of China; 2016–2017: Analysis of the Final Results Margin Calculation for Weihai Zhongwei Rubber Co., Ltd.,'' dated concurrently with this notice (Zhongwei's Analysis Memorandum).

[3] *See* memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[4] *See* the PDM at 2–4.

[5] *See* memorandum, ''Administrative Review of Antidumping Investigation of Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Briefing Schedule for the Final Determination,'' dated October 18, 2018.

[6] *See* Zhongwei's Analysis Memorandum.

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

requested a review of the China-wide entity in this review, and we did not self-initiate a review, the entity is not under review and the entity's rate is not subject to change, (*i.e.,* 105.31 percent).[8]

Disclosure

We intend to disclose the calculations performed regarding these final results within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

Assessment Rates

Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b). Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review in the **Federal Register**.

For any individually examined respondent whose (estimated) *ad valorem* weighted-average dumping margin is not zero or de minimis (*i.e.,* less than 0.50 percent), Commerce will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[9] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated is not zero or *de minimis.* Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For the exporter listed above, the cash deposit rate will be equal to the weighted-average dumping margin identified in the ''Final Results'' section of this notice, above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that are not under review in this segment of the proceeding but that received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate (or exporter-producer chain rate) published for the most recently completed segment of this proceeding in which the exporter was reviewed; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 105.31 percent; and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: February 27, 2019.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2019–03923 Filed 3–4–19; 8:45 am]

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[8] The China-wide rate was determined in *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Antidumping Duty Administrative Review;* 2012–2013, 80 FR 20197 (April 15, 2015).

[9] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[10] *See* 19 CFR 351.212(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (Commerce) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of

publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. Commerce invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where Commerce considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.[1] Section 773(e) of the Act states that ''if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.'' When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial Section D responses.

Opportunity to request a review: Not later than the last day of March 2019,[2] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period of review
Antidumping Duty Proceedings	
AUSTRALIA: Uncoated Paper, A–602–807	3/1/18–2/28/19
BRAZIL: Uncoated Paper, A–351–842	3/1/18–2/28/19
CANADA: Iron Construction Castings, A–122–503	3/1/18–2/28/19
FRANCE: Brass Sheet & Strip, A–427–602	3/1/18–2/28/19
GERMANY: Brass Sheet & Strip, A–428–602	3/1/18–2/28/19
INDIA:	
Off-The-Road Tires, A–533–869	3/1/18–2/28/19
Sulfanilic Acid, A–533–806	3/1/18–2/28/19
INDONESIA: Uncoated Paper, A–560–828	3/1/18–2/28/19
ITALY: Brass Sheet & Strip, A–475–601	3/1/18–2/28/19
PORTUGAL: Uncoated Paper, A–471–807	3/1/18–2/28/19
RUSSIA: Silicon Metal, A–821–817	3/1/18–2/28/19
SOUTH AFRICA: Carbon and Alloy Steel Wire Rod, A–791–823	10/31/17–2/28/19
TAIWAN: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube, A–583–803	3/1/18–2/28/19
THAILAND: Circular Welded Carbon Steel Pipes and Tubes, A–549–502	3/1/18–2/28/19
THE PEOPLE'S REPUBLIC OF CHINA:	
Ammonium Sulfate, A–570–049	3/1/18–2/28/19
Amorphous Silica Fabric, A–570–038	3/1/18–2/28/19
Biaxial Integral Geogrid Products, A–570–036	3/1/18–2/28/19

[1] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[2] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when Commerce is closed.

	Period of review
Carbon and Alloy Steel Cut-To-Length Plate, A–570–047	3/1/18–2/28/19
Chloropicrin, A–570–002	3/1/18–2/28/19
Circular Welded Austenitic Stainless Pressure Pipe, A–570–930	3/1/18–2/28/19
Glycine, A–570–836	3/1/18–2/28/19
Sodium Hexametaphosphate, A–570–908	3/1/18–2/28/19
Tissue Paper Products, A–570–894	3/1/18–2/28/19
Uncoated Paper, A–570–022	3/1/18–2/28/19
UKRAINE: Carbon and Alloy Steel Wire Rod, A–823–816	10/31/17–2/28/19
Countervailing Duty Proceedings	
INDIA:	
Fine Denier Polyester Staple Fiber, C–533–876	11/6/17–12/31/18
Off-The-Road Tires, C–533–870	1/1/18–12/31/18
Sulfanilic Acid, C–533–807	1/1/18–12/31/18
INDONESIA: Uncoated Paper, C–560–829	1/1/18–12/31/18
IRAN: In-Shell Pistachio Nuts, C–507–501	1/1/18–12/31/18
SRI LANKA: Off-The-Road Tires, C–542–801	1/1/18–12/31/18
THE PEOPLE'S REPUBLIC OF CHINA:	
Ammonium Sulfate, C–570–050	1/1/18–12/31/18
Amorphous Silica Fabric, C–570–039	1/1/18–12/31/18
Biaxial Integral Geogrid Products, C–570–037	1/1/18–12/31/18
Carbon and Alloy Steel Cut-To-Length Plate, C–570–048	1/1/18–12/31/18
Circular Welded Austenitic Stainless Pressure Pipe, C–570–931	1/1/18–12/31/18
Fine Denier Polyester Staple Fiber, C–570–061	11/6/17–12/31/18
Uncoated Paper, C–570–023	1/1/18–12/31/18
TURKEY: Circular Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/18–12/31/18
Suspension Agreements	
MEXICO: Fresh Tomatoes, A–201–820	3/1/18–2/28/19

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party Commerce was unable to locate in prior segments, Commerce will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), Commerce clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[3]

Commerce no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[4] Accordingly, the NME entity will not be under review unless Commerce specifically receives a request for, or self-initiates, a review of the NME entity.[5] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, Commerce will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, Commerce will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

[3] *See also* the Enforcement and Compliance website at *http://trade.gov/enforcement/.*

[4] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[5] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS website at *http://access.trade.gov*.[6] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

Commerce will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2019. If Commerce does not receive, by the last day of March 2019, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, Commerce will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 27, 2019.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2019–03927 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST Generic Clearance for Program Evaluation Data Collections

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or May 6, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 1401 Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Maureen O'Reilly, NIST, 100 Bureau Drive, MS 1710, Gaithersburg, MD 20899–1710, telephone 301–975–3189 or via email to *maureen.oreilly@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

In accordance with Executive Order 12862, the National Institute of Standards and Technology (NIST), a non-regulatory agency of the Department of Commerce, proposes to conduct a number of surveys—both quantitative and qualitative—designed to evaluate our current programs from a customer's perspective. NIST proposes to perform program evaluation data collections by means of, but not limited to, focus groups, reply cards that accompany product distributions, and Web-based surveys and dialogue boxes that offer customers the opportunity to express their views on the programs they are asked to evaluate. NIST will limit its inquiries to data collections that solicit strictly voluntary opinions and will not collect information that is required or regulated. Steps will be taken to assure anonymity of respondents in each activity covered under this request.

II. Method of Collection

NIST will collect this information by electronic means when possible, as well as by mail, fax, telephone and person-to-person interviews.

III. Data

OMB Control Number: 0693–0033.

Form Number(s): None.

Type of Review: Regular submission [revision of a currently approved information collection.

Affected Public: Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

Estimated Number of Respondents: 40,000.

Estimated Time Per Response: Varied, dependent upon the data collection method used. The response time may vary from two minutes for a response card or two hours for focus group participation. The average time per response is expected to be 30 minutes.

Estimated Total Annual Burden Hours: 20,000.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

NIST invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2019–03894 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG799

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to City of Juneau Waterfront Improvement Project

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed incidental harassment authorization (IHA); request for comments.

SUMMARY: NMFS has received a request from the City and Borough of Juneau (CBJ) for authorization to take marine mammals incidental to the Juneau Dock and Harbor waterfront improvement project in Juneau, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in *Request for Public Comments* at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 4, 2019.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.guan@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

National Environmental Policy Act

Issuance of an authorization under section 101(a)(5)(D) of the MMPA requires compliance with the National Environmental Policy Act (NEPA).

NMFS preliminarily determined the issuance of the proposed IHA is consistent with categories of activities identified in CE B4 (issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for which no serious injury or mortality is anticipated) of NOAA's Companion Manual for NAO 216–6A, and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude this categorical exclusion under NEPA.

We will review all comments submitted in response to this notice prior to making a final decision as to whether application of this CE is appropriate in this circumstance.

Summary of Request

On October 25, 2018, City and Borough of Juneau (CBJ) submitted a request to NMFS requesting an IHA for the possible harassment of small numbers of harbor seals incidental to the City of Juneau Dock and Harbor waterfront improvement project in Juneau, Alaska, from June 15, 2019 to June 14, 2020. After receiving the revised project description and the revised IHA application, NMFS determined that the IHA application is adequate and complete on January 30, 2019. NMFS is proposing to authorize the take by Level B harassment of harbor seal (*Phoca vitulina*). Neither the City of Juneau nor NMFS expect mortality or serious injury to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The purpose of the CBJ's project is to improve the downtown waterfront area within Gastineau Channel in Juneau, Alaska, to accommodate the needs of the growing cruise ship visitor industry and its passengers while creating a waterfront that meets the expectations of a world-class facility. The project would meet the needs of an expanding cruise ship industry and its passengers by creating ample open space thereby decreasing congestion and improving pedestrian circulation.

Dates and Duration

Construction of the CBJ waterfront improvements project is planned to occur between May 15, 2019 and August 31, 2020. CBJ is requesting an IHA for one year with an effective date of June 15, 2019 as in-water work will not proceed until June 15 or later and it is anticipated all in-water work will be completed prior to June 15, 2020.

Specified Geographic Region

The project area is at downtown waterfront within the Gastineau Channel in Juneau, Alaska (Figure 1 of the IHA application). The channel separates Juneau on the mainland side from Douglas (now part of Juneau), on Douglas Island. The channel is navigable by large ships, only from the southeast, as far as the Douglas Bridge, which is approximately 0.5 mile north of the project area. The channel north of the bridge is navigable by smaller craft and only at high tide. The channel at the project area is approximately 0.7 mile

wide. It is located within Section 23, Township 41 South, Range 67 East of the Copper River Meridian.

Detailed Description of the CBJ Waterfront Improvement Project

The proposed CBJ waterfront improvements project would construct a pile supported deck along the waterfront to meet the needs of an expanding cruise ship industry and its passengers by creating ample open space thereby decreasing congestion and improving pedestrian circulation. Specifically, the in-water construction portions of the improvement project include:

- Demolition of existing timber deck structures, including removal of creosote treated timber piles;
- Installation of (42) 16-inch (41-cm), (45) 18-inch (46-cm) and (40) 24-inch (61-cm) steel pipe piles for:
- Steel pile supported structural timber deck over open space;
- Steel pile supported structural timber deck with a ramp adjacent to the existing parking garage;
- Steel pile supported structural timber deck with concrete overlay for transportation staging area;
- Steel pile supported cast in place concrete retaining wall for connection to shore and erosion protection; and
- Installation and removal of (87) 18-inch (46-cm) or smaller temporary template piles.

A list of pile driving and removal activities is provided in Table 1. The total number of days that involve in-water pile driving is estimated to be 82 days.

TABLE 1—SUMMARY OF IN-WATER PILE DRIVING ACTIVITIES

Method	Pile type and size	Total # piles	# piles/ day	Pile driving/removal duration (sec.) per pile (vib) or strikes per pile (impact)	Work days
Vibratory pile removal	Timber piles, unknown diameter but assumed to be no more than 14″.	100	10	900	10
Vibratory piling for supported dock	Steel piles, 16″	*42	5	5400	9
Impact proofing for supported dock	Steel piles, 16″	*42	5	150	9
Vibratory piling for supported dock	Steel piles, 18″	*45	5	5400	9
Impact proofing for supported dock	Steel piles, 18″	*45	5	150	9
Vibratory piling for temporary piles	Steel piles, 18″	87	5	5400	18
Vibratory pile removal for temporary piles	Steel piles, 18″	87	5	900	18
Total		274			82

* Vibratory driving and impact proofing will occur on separate days.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'').

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*).

Table 2 lists all species with expected potential for occurrence in the Southeast Alaskan waters and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2018). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Alaska Marine Mammal SARs (Carretta *et al.,* 2017). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2017 SARs (Muto *et al.,* 2018); and draft 2018 SARs (available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/draft-marine-mammal-stock-assessment-reports).*

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Balaenopteridae						
Humpback whale	*Megaptera novaeangliae*	Central North Pacific	E/D; Y	10,103 (0.300, 7,890)	82	8.5

TABLE 2—MARINE MAMMALS WITH POTENTIAL PRESENCE WITHIN THE PROPOSED PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Family Delphinidae						
Killer whale	*Orcinus orca*	Eastern N. Pacific Northern resident.	N	261 (NA, 261)	1.96	0
		Eastern N. Pacific Alaska Resident.	N	2,347 (NA, 2,347)	24	1
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals)						
Harbor seal	*Phoca vitulina*	Lynn Canal/Stephens Passage	N	9,478 (NA, 8,605)	155	0

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

All species that could potentially occur in the proposed survey areas are included in Table 2. However, the presence of humpback whale and killer whale are extremely rare, and the implementation of monitoring and mitigation measures are such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. Although these two species have been sighted within the Gastineau Channel near the vicinity of the project area, CBJ proposes to implement strict monitoring and mitigation measures and implement shutdown to prevent any takes of these two species. Thus, the take of this marine mammal stock can be avoided, as their occurrence would be considered unlikely and mitigation and monitoring is expected to prevent take should they occur (see details in Proposed Mitigation section).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 hertz (Hz) and 35 kilohertz (kHz);
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz;
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz; and
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Three marine mammal species (two cetacean and one pinniped (*i.e.,* harbor seal) species) have the reasonable potential to co-occur with the proposed construction activity. Please refer to Table 2. Of the cetacean species that may be present, one species is classified as low-frequency cetaceans (*i.e.,* humpback whale) and one is classified as mid-frequency cetacean (*i.e.,* killer whale). However, as mentioned earlier, monitoring and mitigation measures will be implemented to avoid the take of these cetacean species.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, and the ''Proposed

Mitigation'' section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Potential impacts to marine mammals from the proposed CBJ waterfront improvement project are from noise generated during in-water pile driving and pile removal activities.

Acoustic Effects

Here, we first provide background information on marine mammal hearing before discussing the potential effects of the use of active acoustic sources on marine mammals.

The CBJ's waterfront improvement project using in-water pile driving and pile removal could adversely affect marine mammal species and stocks by exposing them to elevated noise levels in the vicinity of the activity area.

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift (TS)—an increase in the auditory threshold after exposure to noise (Finneran *et al.,* 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of TS just after exposure is the initial TS. If the TS eventually returns to zero (*i.e.,* the threshold returns to the pre-exposure value), it is a temporary threshold shift (TTS) (Southall *et al.,* 2007).

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.,* sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced TS. An animal can experience TTS or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.,* there is complete recovery), can occur in specific frequency ranges (*i.e.,* an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran, 2015). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.,* 1999, 2005; Kastelein *et al.,* 2012b).

Lucke *et al.* (2009) found a TS of a harbor porpoise after exposing it to airgun noise with a received sound pressure level (SPL) at 200.2 dB (peak-to-peak) re: 1 Micropascal (μPa), which corresponds to a sound exposure level of 164.5 dB re: 1 μPa^2 s after integrating exposure. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of root mean square (rms) SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (McCauley, *et al.,* 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μPa, and the received levels associated with PTS (Level A harassment) would be higher. Therefore, based on these studies, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & Schlundt, 2010; Finneran *et al.,* 2002; Kastelein and Jennings, 2012).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.,* 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

In addition, chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals, which utilize sound for vital biological functions (Clark *et al.,* 2009). Acoustic masking is when other noises such as from human sources interfere with animal detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction.

Masking occurs at the frequency band that the animals utilize. Therefore, since noise generated from vibratory pile driving is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds by odontocetes (toothed whales). However, lower frequency man-made noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. It may also affect communication signals when they occur near the noise band and thus reduce the communication space of animals (*e.g.,* Clark *et al.,* 2009) and cause increased stress levels (*e.g.,* Foote *et al.,* 2004; Holt *et al.,* 2009).

Unlike TS, masking, which can occur over large temporal and spatial scales, can potentially affect the species at population, community, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand, 2009). For CBJ's waterfront improvement project, noises from vibratory pile driving and pile removal contribute to the elevated ambient noise levels in the project area, thus increasing potential for or severity of masking. Baseline ambient noise levels in the vicinity of project area are high due to ongoing shipping, construction and other activities in the coastal waters of Juneau.

Finally, marine mammals' exposure to certain sounds could lead to behavioral disturbance (Richardson *et al.,* 1995),

such as changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haulouts or rookeries).

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Southall *et al.,* 2007). Currently NMFS uses a received level of 160 dB re 1 μPa (rms) to predict the onset of behavioral harassment from impulse noises (such as impact pile driving), and 120 dB re 1 μPa (rms) for continuous noises (such as vibratory pile driving). For the CBJ's waterfront improvement project, both 120-dB and 160-dB levels are considered for effects analysis because CBJ plans to use both impact pile driving and vibratory pile driving and pile removal.

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be biologically significant if the change affects growth, survival, and/or reproduction, which depends on the severity, duration, and context of the effects.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by vibratory pile removal and pile driving in the area. However, other potential impacts to the surrounding habitat from physical disturbance are also possible.

With regard to fish as a prey source for cetaceans and pinnipeds, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.,* 1981) and possibly avoid predators (Wilson and Dill, 2002). Experiments have shown that fish can sense both the strength and direction of sound (Hawkins, 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona, 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.,* 1993). In general, fish react more strongly to pulses of sound (such as noise from impact pile driving) rather than continuous signals (such as noise from vibratory pile driving) (Blaxter *et al.,* 1981), and a quicker alarm response is elicited when the sound signal intensity rises rapidly compared to sound rising more slowly to the same level.

During the coastal construction, only a small fraction of the available habitat would be ensonified at any given time. Disturbance to fish species would be short-term and fish would return to their pre-disturbance behavior once the pile driving activity ceases. Thus, the proposed construction would have little, if any, impact on marine mammals' prey availability in the area where construction work is planned.

Finally, the Gastineau Channel in front of downtown Juneau is not considered a feeding area of marine mammals.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through this IHA, which will inform both NMFS' consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to noise generated from vibratory pile driving and removal. Based on the nature of the activity and the anticipated effectiveness of the mitigation measures (*i.e.,* shutdown measures—discussed in detail below in Proposed Mitigation section), Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 μPa (rms) for continuous (*e.g.* vibratory pile-driving, drilling) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources.

Applicant's proposed activity includes the generation of impulse (impact pile driving) and continuous (vibratory pile driving and removal) sources; and, therefore, both 160- and 120-dB re 1 μPa (rms) are used.

Level A harassment for non-explosive sources—NMFS' Technical Guidance

for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016 and 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Applicant's proposed activity would generate and non-impulsive (vibratory pile driving and pile removal) noises. These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product and are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Hearing group	PTS onset thresholds		Behavioral thresholds	
	Impulsive	Non-impulsive	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	$L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	$L_{E,LF,24h}$: 199 dB.		
Mid-Frequency (MF) Cetaceans	$L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB ...	$L_{E,MF,24h}$: 198 dB.		
High-Frequency (HF) Cetaceans ...	$L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB ...	$L_{E,HF,24h}$: 173 dB	$L_{rms,flat}$: 160 dB	$L_{rms,flat}$: 120 dB
Phocid Pinnipeds (PW) (Underwater).	$L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB ...	$L_{E,PW,24h}$: 201 dB.		
Otariid Pinnipeds (OW) (Underwater).	$L_{pk,flat}$: 232 dB $L_{E,OW,24h}$: 203 dB ..	$L_{E,OW,24h}$: 219 dB.		

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (Lpk) has a reference value of 1 µPa, and cumulative sound exposure level (LE) has a reference value of 1µPa2s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds.

Source Levels

Source levels for vibratory driving and removal of 16-in and 18-in steel piles are based on measurement of vibratory pile removal of 18-in steel piles at Kake, Alaska (Denes *et al.,* 2016). The measured SPLrms at 7 m was 156.2 dB re 1 µPa, and is normalized to 153.9 dB re 1 µPa at 10 m.

Source levels for impact pile driving of 16-in and 18-in steel piles are based on JASCO's pile driving review for a 24-in steel pile (Yurk *et al.,* 2015). The values are 175 dB re 1 μPa^2-s, 190 dB re 1 µPa, and 205 dB re 1 µPa for single strike SEL, SPL_{rms}, and SPL_{pk}, respectively.

Source level for vibratory timber pile removal is based on measurements of vibratory pile removal at Port Townsend, Washington (WSDOT, 2011). The measured level was 150 dB re 1 µPa at 52 ft, and is corrected to 153 dB re 1 µPa at 10 m.

A summary of the source levels are provided in Table 4.

TABLE 4—SUMMARY OF IN-WATER PILE DRIVING SOURCE LEVELS (AT 10 M FROM SOURCE)

Method	Pile type/size (inch)	SEL, dB re 1 μPa^2-s	SPL_{rms}, dB re 1 µPa	SPL_{pk}, dB re 1 µPa
Vibratory driving/removal	Steel, 16- and 18-in	153.9	153.9	
Vibratory removal	Timber	153	153	
Impact pile driving (proof)	Steel, 16- and 18-in	175	190	205

These source levels are used to compute the Level A harassment zones and to estimate the Level B harassment zones. For Level A harassment zones, since the peak source levels for both pile driving are below the injury thresholds, cumulative SEL were used to do the calculations using the NMFS acoustic guidance (NMFS 2018).

Estimating Harassment Zones

The Level B harassment ensonified areas for vibratory removal of timber piles are based on the above source level of 153 dB_{rms} re 1 µPa at 10 m, applying practical spreading loss of 15*log(R) for transmission loss calculation. The derived distance to the 120-dB Level B zone is 1,585 m.

For Level B harassment ensonified areas for vibratory pile driving and removal of the 16-in and 18-in steel piles, the distance is based on source level of 153.9 dB re 1 µPa at 10 m, applying practical spreading loss of 15*log(R) for transmission loss calculation. The derived distance to the 120-dB zone is 1,820 m.

For Level B harassment ensonified areas for impact proofing of 16-in and 18-in steel piles, the distance is based on source level of 190 dB re 1 µPa at 10 m, applying practical spreading loss of 15*log(R) for transmission loss

calculation. The derived distance to the 160-dB zone is 1,000 m.

For Level A harassment, calculation is based on pile driving duration of each pile and the number of piles installed or removed per day, using NMFS optional spreadsheet.

The modeled distances to Level A and Level B harassment zones for various marine mammals are provided in Table 5. As discussed above, the only marine mammal that could occur in the vicinity of the project area is the harbor seal (phocid), and, on rare occasions, humpback and killer whales (mid-frequency cetacean). The inclusion of other marine mammal hearing groups in Table 5 is for information purposes.

TABLE 5—MODELED DISTANCES TO HARASSMENT ZONES

Pile type, size & pile driving method	Injury distance (m)					Level B ZOI (m)
	LF cetacean	MF cetacean	HF cetacean	Phocid	Otariid	
Vibratory drive 16- & 18-in pile (5400 s/pile, 5 piles/day)	8.8	0.8	13	5.3	0.4	1820
Vibratory removal 16- & 18-in temporary pile (900 s/pile, 5 piles/day)	2.7	0.2	3.9	1.6	0.1	1820
Vibratory removal timber pile (900 s/pile, 10 piles/day)	3.7	0.3	5.4	2.2	0.2	1585
Impact proof of 16- & 18-in pile (150 strikes/pile, 5 piles/day)	241.4	8.6	287.6	129.2	9.4	1000

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

There are no reliable density estimates for marine mammals (harbor seal, humpback whale, and killer whale) in the project area. However, there are good observations of harbor seal numbers that generally occur in the project area.

Harbor seals are residents in the project vicinity and observed within the action area on a regular basis. Typically there are one to two harbor seals present near the new Port of Juneau Cruise Ship Berths and can be found there year round. In addition, a smaller amount of harbor seals have been observed near the Douglas Island Pink and Chum, Inc. (DIPAC) salmon hatchery which is approximately five km north of the project area. The applicant states that based on observations and discussion with the hatchery personnel, a maximum of 41 harbor seals have been observed transiting in nearby areas between the hatchery and the project area. This number in addition to the 1–2 resident harbor seals at the project area makes a total maximum harbor sea that could be affected by in-water pile driving during a typical day to be 43.

Humpback whale and killer whale are rarely seen in the vicinity of the project area. CBJ will implement shutdown measures if these species are sighted moving towards the Level B harassment zone.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

For harbor seal takes, take number is calculated as: Take = animal number in a typical day near the project area × operating days = 43 × 82 = 3526 animals.

A summary of estimated takes in relation to population percentage is provided in Table 6.

TABLE 6—ESTIMATED TAKE NUMBERS

Species	Estimated Level A take	Estimated Level B take	Estimated total take	Abundance
Harbor seal	0	3526	3526	9,478

Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

1. Time Restriction

Work would occur only during daylight hours, when visual monitoring of marine mammals can be conducted.

2. Establishing and Monitoring Level A and Level B Harassment Zones and Shutdown Zones

CBJ shall establish shutdown zones that encompass the distances within which marine mammals except harbor seal could be taken by Level B harassment (see Table 5 above).

For harbor seals, CBJ shall establish shutdown zones that encompass the distances within which a seal could be taken by Level A harassment (see Table 5 above). For Level A harassment zones that are less than 10 m from the source, a minimum of 10 m distance should be established as a shutdown zone.

A summary of shutdown zones is provided in Table 7.

TABLE 7—SHUTDOWN ZONES FOR VARIOUS PILE DRIVING ACTIVITIES AND MARINE MAMMAL HEARING GROUPS

Pile type, size & pile driving method	Shutdown distance (m)	
	Cetacean	Phocid
Vibratory drive and removal of 16- & 18-in steel piles	1,820	10
Vibratory removal timber pile (900 s/pile, 10 piles/day)	1,585	.....
Impact proof of 16- & 18-in pile (150 strikes/pile, 5 piles/day)	1,000	130

CBJ shall also establish a Zone of Influence (ZOI) for harbor seals based on the Level B harassment zones for take monitoring where received underwater SPLs are higher than 160 dB_{rms} re 1 µPa for impulsive noise sources (impact pile driving) and 120 dB_{rms} re 1 µPa for continuous noise sources (vibratory pile driving and pile removal). For all other marine mammals, the ZOI is the same as the shutdown zones.

NMFS-approved protected species observers (PSO) shall conduct an initial 30-minute survey of the shutdown zones to ensure that no marine mammals are seen within the zones before pile driving and pile removal of a pile segment begins. If marine mammals are found within the shutdown zone, pile driving of the segment would be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor would wait 15 minutes. If no marine mammals are seen by the observer in that time it can be assumed that the animal has moved beyond the shutdown zone.

3. Soft-Start

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the impact pile driver reaches full power. Whenever there has been downtime of 30 minutes or more without impact pile driving, the contractor will initiate the driving with ramp-up procedures described below.

Soft start for impact hammers requires contractors to provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets. Each day, CBJ will use the soft-start technique at the beginning of impact pile driving, or if impact pile driving has ceased for more than 30 minutes.

4. Shutdown Measures

CBJ shall implement shutdown measures if a marine mammal is detected within or enters a shutdown zone listed in Table 7.

Further, CBJ shall implement shutdown measures if the number of authorized takes for harbor seals reaches the limit under the IHA and if seals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

Based on our evaluation of the required measures, NMFS has preliminarily determined that the prescribed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Proposed Monitoring Measures

CBJ shall employ NMFS-approved PSOs to conduct marine mammal monitoring for its waterfront improvement project at Juneau Dock and Harbor. The purposes of marine mammal monitoring are to implement mitigation measures and learn more about impacts to marine mammals from

CBJ's construction activities. The PSOs will observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. NMFS-approved PSOs shall meet the following requirements:

1. Independent observers (*i.e.,* not construction personnel) are required;

2. At least one observer must have prior experience working as an observer;

3. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;

4. Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

5. NMFS will require submission and approval of observer CVs.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 × 42 power).

CBJ shall employ a minimum of 2 PSOs to observe and collect data on marine mammals in and around the pile driving vicinity.

PSOs shall be placed at high evaluation locations such as the boardwalk and the observation deck of the City Library to conduct marine mammal monitoring.

PSOs will work shifts of a maximum of four consecutive hours and will work no more than 12 hours in any 24-hour period.

6. PSOs shall collect the following information during marine mammal monitoring:

- Date and time that monitored activity begins and ends for each day conducted (monitoring period);
- Construction activities occurring during each daily observation period, including how many and what type of piles driven;
- Deviation from initial proposal in pile numbers, pile types, average driving times, etc.;
- Weather parameters in each monitoring period (*e.g.,* wind speed, percent cloud cover, visibility);
- Water conditions in each monitoring period (*e.g.,* sea state, tide state);
- For each marine mammal sighting:
  - Species, numbers, and, if possible, sex and age class of marine mammals;
  - Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
  - Location and distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point; and
  - Estimated amount of time that the animals remained in the Level B zone;
- Description of implementation of mitigation measures within each monitoring period (*e.g.,* shutdown or delay);
- Other human activity in the area within each monitoring period

To verify the required monitoring distance, the shutdown zones and ZOIs will be determined by using a range finder or hand-held global positioning system device.

CBJ is required to submit a draft monitoring report within 90 days after completion of the construction work or the expiration of the IHA (if issued), whichever comes earlier. In the case if CBJ intends to renew the IHA (if issued) in a subsequent year, a monitoring report should be submitted 60 days before the expiration of the current IHA (if issued). This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the report, and if NMFS has comments, CBJ would address the comments and submit a final report to NMFS within 30 days.

In addition, NMFS would require CBJ to notify NMFS' Office of Protected Resources and NMFS' Alaska Stranding Coordinator within 48 hours of sighting an injured or dead marine mammal in the construction site. CBJ shall provide NMFS and the Stranding Network with the species or description of the animal(s), the condition of the animal(s) (including carcass condition, if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that CBJ finds an injured or dead marine mammal that is not in the construction area, CBJ would report the same information as listed above to NMFS as soon as operationally feasible.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Only Level B behavioral harassment of harbor seals is expected and authorized. The anticipated Level B harassment is anticipated to be brief and localized. Harbor seals present in the vicinity of the action area and taken by Level B harassment would most likely show overt brief disturbance (startle reaction) and avoidance of the area from elevated noise levels during pile driving and pile removal and the implosion noise.

There are no known important areas for marine mammals, such as feeding, breeding, pupping, or other areas, in the vicinity of CBJ's project area.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' subsection. There is no ESA designated critical area in the vicinity of the Juneau Dock and Harbor. The project activities would not permanently modify existing marine mammal habitat. The activities may kill some fish and cause other fish to leave the area temporarily, thus impacting marine mammals' foraging opportunities in a limited portion of the foraging range. However, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. Therefore, given the consideration of potential impacts to marine mammal prey species and their physical environment, CBJ's proposed construction activity at Juneau Dock and Harbor would not adversely affect

marine mammals through impacts to habitat.

- Injury—no marine mammals would experience Level A harassment.
- Behavioral disturbance—only harbor seals would experience behavioral disturbance from the CBJ's Juneau Dock and Harbor waterfront improvement project. However, as discussed earlier, the area to be affected is small and the duration of the project is short. No other marine mammal species is expected to experience Level B harassment.
- No important habitat for marine mammals exist in the vicinity of the project area. Therefore, the overall impacts are expected to be insignificant.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS preliminarily finds that the total take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, NMFS compares the number of individuals anticipated to be taken to the most appropriate estimation of the relevant species or stock size in our determination of whether an authorization would be limited to small numbers of marine mammals.

The estimated take of harbor seal would be 35 percent of the population, if each single take were a unique individual. However, this is highly unlikely because the harbor seal in the vicinity of the project area shows site fidelity to small areas for periods of time that can extend between seasons. As discussed earlier, there are one to two resident harbor seals in the project vicinity and are observed within the action area on a regular basis. In addition, a smaller amount of harbor seals have been observed near the DIPAC salmon hatchery which is approximately 5 km north of the project area. Therefore, the total maximum number of individual harbor seals at the project area that could be affect by in-water pile driving during a typical day is assumed to be 43 individuals.

Based on the analysis contained herein of the proposed activity (including the prescribed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of each species or stock will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Subsistence Analysis and Determination

The proposed Project will occur near but not overlap the subsistence areas in Juneau. The Alaska Department of Fish and Game (ADF&G) was contacted by CBJ regarding subsistence uses in Gastineau Channel and it was confirmed that Gastineau Channel is not a subsistence use area for harbor seals (CBJ, 2018). Therefore, the proposed project will not adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes in the Juneau area.

Based on the analysis contained herein of the likely effects of the specified activity on subsistence activities, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS preliminarily finds that the proposed activity will not have unmitigable adverse impact on subsistence use of marine mammals in the project area.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to CBJ for conducting Juneau Dock and Harbor waterfront improvement project in Juneau, Alaska, between June 15, 2019, and June 14, 2020, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.*

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed CBJ Dock and Harbor waterfront improvement project. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA; and
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements; and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: February 28, 2019.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2019–03930 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Trawl Logbook Requirement

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general

public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 6, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Keeley Kent, National Marine Fisheries Service, 7600 Sand Point Way NE, Building 1, Seattle, WA, 98115–6349, (206) 526–4655 or *keeley.kent@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The success of fisheries management programs depends significantly on the availability of fishery data. Currently, the states of Washington, Oregon, and California administer a trawl logbook on behalf of the Pacific Fishery Management Council (Council) and NOAA's National Marine Fisheries Service (NMFS). The log used is a standard format developed by the Council to collect information necessary to effectively manage the fishery on a coast-wide basis. The trawl logbook collects haul-level effort data including tow time, tow location, depth of catch, net type, target strategy, and estimated pounds of fish retained per tow. Each trawl log represents a single fishing trip. The state of California repealed their requirement, effective April 1, 2019, therefore, NMFS must create a federal requirement in order to not lose logbook coverage from trawl vessels in California.

This new federal requirement will duplicate the logbook structure and process that the state of California was using in order to minimize disruption or confusion for fishery participants. Under this rule, NMFS will contract with the Pacific States Marine Fisheries Commission (PSMFC) to distribute and collect the same logbook these fishermen have been using previously. These data are used regularly by NMFS, the Pacific Fishery Management Council, the West Coast Groundfish Observer Program, NMFS Office of Law Enforcement, and the Coast Guard for fisheries management and enforcement.

II. Method of Collection

Vessels using trawl gear in a state without a state requirement for the completion and submission of the logbook will be required to complete and submit a logbook on their haul-level effort to the PSMFC. This logbook will be provided to these vessels by the PSMFC along with pre-addressed stamped envelopes to return the completed logbooks every month.

III. Data

OMB Control Number: 0648–XXXX.

Form Number(s): Unassigned.

Type of Review: New collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 27.

Estimated Time Per Response: 8 hours.

Estimated Total Annual Burden Hours: 64 hours.

Estimated Total Annual Cost to Public: $81.00 for materials.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost and whether the information shall have practical utility) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Clearance Officer, Office of the Chief Financial Officer, Commerce Department.

[FR Doc. 2019–03895 Filed 3–4–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors (BOA) to the President of the Naval War College (NWC) Subcommittee

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the President of the Naval War College Subcommittee Board of Advisors will be held. This meeting will be open to the public.

DATES: The meeting will be held on Thursday, April 4, 2019 from 8:00 a.m. to 4:30 p.m. and on Friday, April 5, 2019 from 8:30 a.m. to 11:00 a.m. Eastern Time Zone.

ADDRESSES: The meeting will be held at the U.S. Naval War College, 686 Cushing Road, Newport, RI.

FOR FURTHER INFORMATION CONTACT: Ms. Jaye Panza, Designated Federal Official, 1 University Circle, Code 00H, Monterey, CA, 93943–5001, telephone number 831–656–2514.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150. The purpose of the Board is to advise and assist the President, NWC, in educational and support areas, providing independent advice and recommendations on items such as, but not limited to, organizational management, curricula, methods of instruction, facilities, student and faculty morale, and other matters of interest.

The agenda for Thursday is as follows:

8:00 a.m.–8:15 a.m. Call to Order, Chairman Instructions
8:15 a.m.–11:45 a.m. Discussion with NWC President
11:45 a.m.–1:15 p.m. Meet with NWC Students
1:15 a.m.–1:30 p.m. Break
1:30 p.m.–2:45 p.m. Board Discussion
2:45 p.m.–3:45 p.m. Meet with NWC Faculty
3:45 p.m.–4:00 p.m. Annual FACA Board Member Ethics Training
4:00 p.m.–4:30 p.m. Board Business
4:30 p.m. Adjourn

The agenda for Friday is as follows:

8:30 a.m.–11:00 a.m. Round table discussion on Interest Items
11:00 a.m. Closing remarks, Meeting Adjourned

Individuals without a DoD Government Common Access Card require an escort at the meeting location. The meeting is accessible to persons with disabilities. For access,

information, reasonable accommodation or special assistance requests please contact Dr. Thomas Gibbons at (401) 841–4008. Address requests for written statements for consideration at the committee meeting to Dr. Thomas Gibbons, U.S. Naval War College, 686 Cushing Road, Newport, RI 02841 by March 29, 2019.

(Authority: 5 U.S.C. 552b)

Dated: February 28, 2019.

M.S. Werner,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2019–03896 Filed 3–4–19; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its [Portfolio Analysis and Management System], OMB Control Number 1910–5178. The proposed collection will continue to allow for the automation and streamlining of submissions while facilitating the correspondence portion of financial award pre review processes. The information collected will be used by DOE to select applicants and projects for financial awards.

DATES: Comments regarding this collection must be received on or before April 4, 2019. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 395–4718.

ADDRESSES: Written comments should be sent to DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW, Washington, DC 20503.

and to:

Courtney A. Bracey, Office of Information Technology and Services, Office of Science, U.S. Department of Energy, SC–45/GTN, 1000 Independence Avenue SW, Washington, DC 20585, Direct: (301) 903.1844, Fax: (301) 903–2481, *Courtney.Bracey@science.doe.gov*

FOR FURTHER INFORMATION CONTACT: Courtney Bracey (301) 903–1844 or *Courtney.Bracey@science.doe.gov.* The collection instrument can be viewed at the following website *https://lpamspublic.science.energy.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1910–5178; (2) *Information Collection Request Title:* Portfolio Analysis and Management System; (3) *Type of Request:* Renewal; (4) *Purpose:* This existing collection is based on the Health Resources and Services Administration (HRSA) Electronic Handbooks software. Discretionary financial assistance proposals continue to be collected using *Grants.gov* but are imported into PAMS for use by the program offices. Under the existing information collection, an external interface in PAMS allows two other types of proposal submission: DOE National Laboratories are able to submit proposals for technical work authorizations directly into PAMS, while other Federal Agencies will be able to submit Proposals for interagency awards directly into PAMS. External users from all institution types are able to submit Solicitation Letters of Intent and Pre-proposals directly into PAMS. All applicants, whether they submitted through *Grants.gov* or PAMS, are able to register with PAMS to view the proposals that were submitted. They also are able to maintain a minimal amount of information in their personal profile. The existing collection automates and streamlines the submission, tracking, and correspondence portions of financial award pre-review processes.

The information collected is used by DOE to select applicants and projects for financial awards; (5) *Annual Estimated Number of Respondents:* 20,600; (6) *Annual Estimated Number of Total Responses:* 20,600; (7) *Annual Estimated Number of Burden Hours:* 30,150 (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $149,000.

Statutory Authority: Section 641 of the Department of Energy Organization Act, codified at 42 U.S.C. 7251.

Signed in Washington, DC on January 31, 2019.

Vasilios Kountouris,

Director, Office of Information Technology and Services, Office of Science.

[FR Doc. 2019–03921 Filed 3–4–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Proposed Subsequent Arrangement

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This document is being issued under the authority of the Atomic Energy Act of 1954, as amended. The Department is providing notice of a proposed subsequent arrangement under the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy.

DATES: This subsequent arrangement will take effect no sooner than March 20, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Oehlbert, Office of Nonproliferation and Arms Control, National Nuclear Security Administration, Department of Energy. Telephone: 202–586–3806 or email: *sean.oehlbert@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION: This proposed subsequent arrangement concerns the advance consent list of countries or destinations referred to in Article 6 of the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy, done at Washington on May 4, 2018, (the Agreement) and subsection A. (1) of Section 4 of the Agreed Minute to the Agreement. Argentina, Australia, Brazil, Canada, Egypt, European Atomic Energy Community (EURATOM), Indonesia, Japan, Kazakhstan, Morocco, Norway, Republic of Korea, South Africa, Switzerland, Turkey, Ukraine, United Arab Emirates, and Vietnam are third countries or destinations on the U.S. advance consent list and, therefore, are eligible to receive retransfers from the United Kingdom of Great Britain and Northern Ireland of byproduct material, non-nuclear material, unirradiated low enriched uranium, unirradiated source material, and equipment subject to Article 6 of the Agreement upon the Agreement's entry into force. Consistent with subsections A.(2) and A.(3) of Section 4 of the Agreed Minute to the Agreement, the United States has a civil nuclear cooperation agreement, under the authority of section 123 of the Atomic Energy Act of 1954, as amended,

in force with each of the countries or destinations that are on the advance consent list, and each of these countries or destinations, including each member state of EURATOM, has made effective non-proliferation commitments.

Pursuant to the authority in section 131 a. of the Atomic Energy Act of 1954, as delegated, I have determined that this proposed subsequent arrangement will not be inimical to the common defense and security of the United States of America.

For the Department of Energy.

Dated: February 22, 2019.

Brent K. Park,

Deputy Administrator, Defense Nuclear Nonproliferation.

[FR Doc. 2019–03920 Filed 3–4–19; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1652–003; ER10–1595–012; ER10–1598–012 ER10–1616–012; ER10–1618–012; ER10–2960–010 ER15–356–011; ER15–357–011; ER18–1821–004 ER18–2418–002.

Applicants: AL Mesquite Marketing, LLC, Astoria Generating Company, L.P., Chief Conemaugh Power, LLC, Chief Keystone Power, LLC, Crete Energy Venture, LLC, Great River Hydro, LLC, Lincoln Generating Facility, LLC, New Covert Generating Company, LLC, Rolling Hills Generating, L.L.C., Walleye Power, LLC.

Description: Notice of Non-Material Change in Status of AL Mesquite Marketing, LLC, et al.

Filed Date: 2/26/19.

Accession Number: 20190226–5191.

Comments Due: 5 p.m. ET 3/19/19.

Docket Numbers: ER19–5–002.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: ComEd submits response to the Commission's 1/28/19 deficiency notice in ER19–5 to be effective 10/1/2018.

Filed Date: 2/27/19.

Accession Number: 20190227–5072.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–6–002.

Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: Delmarva submits its response to the Commission's 1/28/19 Deficiency Letter to be effective 10/1/2018.

Filed Date: 2/27/19.

Accession Number: 20190227–5071.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–10–002.

Applicants: Potomac Electric Power Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: PEPCO submits response to the Commission's 1/28/19 deficiency notice in ER19–10 to be effective 10/1/2018.

Filed Date: 2/27/19.

Accession Number: 20190227–5074.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–14–002.

Applicants: Baltimore Gas and Electric Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: BGE submits response to the Commission's 1/28/2019 deficiency notice in ER19–14 to be effective 10/1/2018.

Filed Date: 2/27/19.

Accession Number: 20190227–5070.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–18–002.

Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.

Description: Tariff Amendment: ACE submits its response to the Commission's 1/28/19 Deficiency Letter to be effective 10/1/2018.

Filed Date: 2/27/19.

Accession Number: 20190227–5064.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–605–002.

Applicants: Republic Transmission, LLC.

Description: Tariff Amendment: Republic Transmission, LLC Deficiency Filing ER19–605 to be effective 2/26/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5163.

Comments Due: 5 p.m. ET 3/19/19.

Docket Numbers: ER19–1129–000.

Applicants: Duquesne Light Company.

Description: Application for Authorization for Abandoned Plant Incentive Rate Treatment of Duquesne Light Company.

Filed Date: 2/26/19.

Accession Number: 20190226–5181.

Comments Due: 5 p.m. ET 3/19/19.

Docket Numbers: ER19–1130–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2019–02–27_SA 3166 Ameren Illinois-Cardinal Point 1st Rev GIA (J456) to be effective 2/19/2019.

Filed Date: 2/27/19.

Accession Number: 20190227–5043.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–1131–000.

Applicants: Kentucky Utilities Company.

Description: Tariff Cancellation: Notice of Termination Departing Municipals to be effective 4/30/2019.

Filed Date: 2/27/19.

Accession Number: 20190227–5052.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–1132–000.

Applicants: NRG Cottonwood Tenant LLC.

Description: § 205(d) Rate Filing: Notice of Succession and Revisions to Reactive Service Rate Schedule to be effective 2/4/2019.

Filed Date: 2/27/19.

Accession Number: 20190227–5054.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–1133–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5286, Queue No. AC1–068 to be effective 1/28/2019.

Filed Date: 2/27/19.

Accession Number: 20190227–5056.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–1134–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5290; Queue No. AC1–069 to be effective 1/28/2019.

Filed Date: 2/27/19.

Accession Number: 20190227–5075.

Comments Due: 5 p.m. ET 3/20/19.

Docket Numbers: ER19–1135–000.

Applicants: Southwest Power Pool, Inc.

Description: Submission of Notice of Cancellation of Large Generator Interconnection Agreement of Southwest Power Pool, Inc.

Filed Date: 2/27/19.

Accession Number: 20190227–5119.

Comments Due: 5 p.m. ET 3/20/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 27, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03888 Filed 3–4–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL19–45–000]

Notice of Institution of Section 206 Proceeding and Refund Effective Date; Wolf Run Energy LLC

On February 27, 2019, the Commission issued an order in Docket No. EL19–45–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the rate schedule to provide Reactive Supply and Voltage Control from Generation or Other Sources Service (Reactive Service) proposed by Wolf Run Energy LLC may be unjust and unreasonable. *Wolf Run Energy LLC,* 166 FERC 61,151 (2019).

The refund effective date in Docket No. EL19–45–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL19–45–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2018), within 21 days of the date of issuance of the order.

Dated: February 27, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03882 Filed 3–4–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER19–1127–000]

Calpine King City Cogen, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Calpine King City Cogen, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 19, 2019.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 27, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03885 Filed 3–4–19; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP19–693–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rate—ENI 8956185 eff 3–1–19 to be effective 3/1/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5031.

Comments Due: 5 p.m. ET 3/11/19.

Docket Numbers: RP19–694–000.

Applicants: Fayetteville Express Pipeline LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement (AMA) Filing to be effective 3/1/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5073.

Comments Due: 5 p.m. ET 3/11/19.

Docket Numbers: RP19–695–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Boston 510798 to UGI 798712 eff 3–1–19 to be effective 3/1/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5109.

Comments Due: 5 p.m. ET 3/11/19.

Docket Numbers: RP19–696–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Bay State to BBPC 798786 eff 3–1–19 to be effective 3/1/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5130.

Comments Due: 5 p.m. ET 3/11/19.

Docket Numbers: RP19–697–000.

Applicants: Midwestern Gas Transmission Company.

Description: Compliance filing Fuel Retention Percentage Implementation to be effective 3/28/2019.

Filed Date: 2/26/19.

Accession Number: 20190226–5133.

Comments Due: 5 p.m. ET 3/11/19.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and

385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 27, 2019.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2019–03878 Filed 3–4–19; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2018–0848; FRL–9990–39–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is given of a proposed consent decree in *Our Children's Earth Foundation* v. *Wheeler,* No. 18–cv–04765 (N.D. Cal.). On August 7, 2018, Our Children's Earth Foundation filed a complaint in the United States District Court for the Northern District of California, alleging that the Administrator of the United States Environmental Protection Agency (''EPA'') failed to perform non-discretionary duties to review the existing New Source Performance Standards (''NSPS'') governing Bulk Gasoline Terminals (''Bulk Gasoline NSPS'') and Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants (''Furnaces NSPS''), and to review the existing National Emissions Standards for Hazardous Air Pollutants (''NESHAP'') governing Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (''Major Source Bulk Gasoline NESHAP''); Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (''Area Source Bulk Gasoline NESHAP''); Iron and Steel Foundries Area Sources (''Foundries NESHAP''); and Wood Preserving Area Sources (''Wood Preserving NESHAP''). The proposed consent decree would establish deadlines for EPA to take action on these source categories.

DATES: Written comments on the proposed consent decree must be received by April 4, 2019.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2018–0848, online at *www.regulations.gov* (EPA's preferred method). For comments submitted at *www.regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Daniel Schramm, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone: (202) 564–3377; email address: *schramm.daniel@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by Our Children's Earth Foundation seeking to compel the Administrator to take action under the Clean Air Act to review, and if appropriate revise, the Furnaces NSPS and Bulk Gasoline NSPS at least every 8 years under section 111(b)(1)(B) of the Act, and to review, and revise if necessary (taking into account developments in practices, processes, and control technologies), the Major Source Bulk Gasoline NESHAP, Area Source Bulk Gasoline NESHAP, Foundries NESHAP, and Wood Preserving NESHAP no less often than every 8 years under section 112(d)(6) of the Act.

Under the terms of the proposed consent decree, EPA shall review, and revise if necessary, the above source categories by the deadlines established in the proposed consent decree. Beginning June 1, 2020, EPA will provide Our Children's Earth Foundation with status reports every 180 days as to whether the Agency is making reasonable progress toward meeting the deadlines provided in the consent decree, and if it anticipates any difficulties in meeting the deadlines with an explanation of the difficulty or difficulties.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2018–0848) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

It is important to note that EPA's policy is that public comments, whether

submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 19, 2019.

Gautam Srinivasan,

Acting Associate General Counsel.

[FR Doc. 2019–03955 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0014; FRL–9988–66]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel certain pesticide product registrations and to amend certain product registrations to terminate uses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled and uses terminated only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before April 4, 2019.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2018–0014, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at

http://www.epa.gov/dockets/comments.html.

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products and amend product registrations to terminate certain uses registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Tables 1–3 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order in the **Federal Register** canceling and amending the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
279–9532	279	Appeal EC Herbicide	Fluthiacet-methyl.
279–9559	279	F9878–1 Termite Bait	Lufenuron.
352–596	352	DuPont Canopy SP Herbicide	Metribuzin & Chlorimuron.
352–843	352	DuPont Leadoff (MP) Herbicide.	Thifensulfuron & Rimsulfuron.
432–1415	432	Allectus SC Insecticide	Bifenthrin & Imidacloprid.
432–1578	432	Lineage Clearstand	Metsulfuron & Imazapyr.
875–185	875	Pro-Kleen	Phosphoric acid & Dodecylbenzenesulfonic acid.
1258–1276	1258	Endure	Boron sodium oxide (B4Na2O7), pentahydrate.
1769–287	1769	Everbrite Germicidal Cleaner	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
3525–90	3525	Coastal Cal Jet Algaecide Tablets.	Dodecylbenzyl trimethyl ammonium chloride.
3525–92	3525	Coastal Pinetex Disinfectant Coef. 5.	Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12).
3862–186	3862	805 Sanitizer Cleaner for Soft Ice Cream Freezers.	Sodium hypochlorite.
4959–16	4959	ZZZ Disinfectant	Iodine, compd. with methyloxirane polymer with oxirane.
4959–36	4959	Rapidyne Germicide Sanitizer	Iodine, compd. with methyloxirane polymer with oxirane & Phosphoric acid.
5185–299	5185	Bio-Chlor LB–1000	Sodium hypochlorite.
9428–6	9428	Sun-Pine 8.7% Pine Oil Disinfectant Cleaner.	Pine oil.
10324–16	10324	Maquat MQ 2525–80%	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18).
10324–182	10324	Maquat MQ2525M–50 DWP	Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) & Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12).
33753–31	33753	Myacide GA 50	Glutaraldehyde.
33981–10	33981	Sodium Hypochlorite Solution 16% EP.	Sodium hypochlorite.
33981–11	33981	Sodium Hypochlorite MP16%	Sodium hypochlorite.
33981–20001	33981	Sodium Hypochlorite Solution	Sodium hypochlorite.
33981–20002	33981	Sodium Hypochlorite Solution 10%.	Sodium hypochlorite.
33981–20003	33981	Sodium Hypochlorite Solution 9.2%.	Sodium hypochlorite.
33981–20004	33981	Sodium Hypochlorite Solution 5.25%.	Sodium hypochlorite.
45309–3	45309	Aqua Clear Liqui-Clear	Sodium hypochlorite.
45309–95	45309	Aqua Clear Cal-Chlor	Calcium hypochlorite.
47371–106	47371	Jaq Swimming Pool Algaecide	Alkyl* dimethyl benzyl ammonium chloride *(95%C14, 3%C12, 2%C16).
65331–7	65331	Certifect for Dogs	Amitraz; S-Methoprene & Fipronil.
67262–6	67262	Aqua Chem Balanced for Clean Pools Liquid Chlorinizor.	Sodium hypochlorite.
70506–239	70506	Bonfire Herbicide	Paraquat dichloride.
70529–3	70529	Aqua Chlor Sodium Hypochlorite 12.5%.	Sodium hypochlorite.
75341–14	75341	MP400–EXT (Alternate), ORD–X240 (Active).	Borax (B4Na2O7.10H2O); Bifenthrin; Tebuconazole & Copper, bis(8-quinolinolato-N1,O8)-,.
FL–180003	100	A13617V Turf Herbicide	Pinoxaden.
OR–070018	66222	Diazinon AG500	Diazinon.
OR–170013	80286	Splat LBAM HD–O	(E)-11-Tetradecen-1-ol acetate & (E,E)-9,11-Tetradecadien-1-ol acetate.
WI–130011	50534	Bravo ZN	Chlorothalonil.
WI–130013	50534	Bravo 720	Chlorothalonil.

TABLE 1A—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
58185–34	58185	Revoke Pre-Emergent Herbicide.	Pendimethalin & Oxadiazon.

The registrant of the request in Table 1A, requests to cancel the registration at the Federal level by December 31, 2019.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
1381–255	1381	Saddle Up	2,4–D & Dicamba	Forest management use pattern.
45385–99	45385	Cenol 0.5% Multipurpose Insecticide.	Permethrin	Food animals (livestock).

Table 3 of this unit includes the names and addresses of record for all the registrants of the products listed in Table 1, Table 1A and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1, Table 1A and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
352	E. I. Du Pont De Nemours & Company, Attn: Manager, US Registration, DuPont Crop Protection, Chestnut Run Plaza (CRP 720/2E5), 974 Centre Rd., Wilmington, DE 19805.
432	Bayer Environmental Science, A Division of Bayer CropScience, LP, 5000 CentreGreen Way, Suite 400, Cary, NC 27513.
875	Diversey, Inc., P.O. Box 19747, Charlotte, NC 28219–0747.
1258	Arch Chemicals, Inc., 1200 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
1769	NCH Corp, 2727 Chemsearch Blvd., Irving, TX 75062.
3525	Qualco, Inc., 225 Passaic St., Passaic, NJ 07055.
3862	ABC Compounding Co., Inc., P.O. Box 80729, Conyers, GA 30013.
4959	West Agro, Inc., 11100 N Congress Ave., Kansas City, MO 64153.
5185	Bio-Lab, Inc., P.O. Box 300002, Lawrenceville, GA 30049–1002.
9428	Sun-Pine Corporation, P.O. Box 287, Brandon, MS 39043.
10324	Mason Chemical Company, 2744 E Kemper Rd., Cincinnati, OH 45241.
33753	BASF Corporation, Agent Name: Spring Trading Company, 203 Dogwood Trail, Magnolia, TX 77354.
33981	K.A. Steel Chemicals, Inc., Agent Name: Delta Analytical Corporation, 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
45309	Aqua Clear Industries, LLC, P.O. Box 2456, Suwanee, GA 30024–0980.
45385	CTX-Cenol, Inc., 1393 East Highland Rd., Twinsburg, OH 44087.
47371	H&S Chemicals Division of Lonza Inc., 412 Mount Kemble Avenue, Suite 200S, Morristown, NJ 07960.
50534	GB Biosciences, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
58185	Everris NA, Inc., P.O. Box 3310, Dublin, OH 43016.
65331	Merial, Inc., 3239 Satellite Blvd., Bldg. 600, Office 6558–B, Duluth, GA 30096.
66222	Makhteshim Agan of North America, Inc., D/B/A Adama, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
67262	Recreational Water Products, Inc., D/B/A Recreational Water Products, P.O. Box 1449, Buford, GA 30515–1449.
70506	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
70529	Chemical Formulators Inc., Attn: Jim Palmer, 3901 NW 115 Avenue, Miami, FL 33178.
75341	Osmose Utilities Services, Inc., 635 Hwy., 74 S., Peachtree City, GA 30269.
80286	ISCA Technologies, Inc., 1230 W Spring Street, Riverside, CA 92507.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of

any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants listed in Table 3 of Unit II have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use termination should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation or termination action, the effective date of cancellation or termination and all other provisions of any earlier cancellation or termination action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for voluntary cancellation and amendments to terminate uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations and for amendments to terminate uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Tables 1 and 1A of Unit II.

A. For Product: 432–1415

The registrant has requested to the Agency via letter to sell existing stocks for an 18-month period from the date of their letter dated, September 20, 2018, until March 20, 2020, for product 432–1415.

B. For Product: 432–1578

The registrant has requested to the Agency via letter dated, November 14, 2017, to sell existing stocks for an 18-month period, until June 1, 2019, for product 432–1578.

C. For Products: 10324–16 and 10324–182

The registrant has requested to the Agency via letter, to sell existing stocks for an 18-month period for products 10324–16 and 10324–182.

For all other voluntary product cancellations, identified in Table 1 and Table 1A of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 and Table 1A of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved product labels reflecting the requested amendments to terminate uses, identified in Table 2 of Unit II, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 12, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–03943 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0651; FRL–9988–75]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before September 3, 2019 .

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2018–0651, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Christopher Green.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a

wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). The affected products and the registrants making the requests are identified in Table 1, Table 1A and Table 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATION WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
432–1477	432	Prostar 70 WDG Fungicide	Flutolanil.

The registrant of the request in Table 1, requests to cancel the registration on December 31, 2018.

TABLE 1A—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
87290–16	87290	Willowood Fomesafen 2 SL	Sodium salt of fomesafen.
ME050001	62719	Stinger	Clopyralid, monoethanolamine salt.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 and Table 1A of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
432	Bayer Environmental Science, A Division of Bayer CropScience, LP, 5000 CentreGreen Way, Suite 400, Cary, NC 27513.
62719	Dow AgroSciences, LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268–1054.
87290	Willowood, LLC, Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707–0640.

III. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for cancellation of product registrations EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 and Table 1A of Unit II.

For voluntary product cancellations, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 and Table 1A of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 12, 2019.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2019–03936 Filed 3–4–19; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2019–6005]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Banks of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995. This collection of information is necessary to determine eligibility of the applicant for EXIM assistance.

DATES: Comments must be received on or before May 6, 2019 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* (EIB 10–02) or by email to *Mia.Johnson@exim.gov* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC. The application tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib10_02.pdf.*

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 10–02 Application for Short-Term Express Credit Insurance Policy.

OMB Number: 3048–0031.

Type of Review: Renewal.

Need and Use: This form is used by an exporter (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of export sales. The information received allows EXIM staff to make a determination of the eligibility of the applicant and the creditworthiness of one of the applicant's foreign buyers for EXIM assistance under its programs.

This is the application form for use by small U.S. businesses with limited export experience. Companies that are eligible to use the Express policy will need to answer approximately 20 questions and sign an acknowledgement of the certifications that appear on the reverse of the application form. This program does not provide discretionary credit authority to the U.S. exporter, and therefore the financial and credit information needs are minimized.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 500.

Estimated Time per Respondent: 0.25 hours.

Annual Burden Hours: 125 hours.

Frequency of Reporting of Use: Once per year.

Government Expenses:

Reviewing time per year: 1,000 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $42,500 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $ 51,000.

Bassam Doughman,

IT Specialist.

[FR Doc. 2019–03857 Filed 3–4–19; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 2019.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org.*

1. *First State Bancorp, Inc., Combined Benefit Retirement Plan, Caruthersville, Missouri;* to acquire 45.7 percent of the voting shares of First State Bancorp, Inc., Caruthersville, Missouri, and thereby indirectly acquire First State Bank & Trust Company, Caruthersville, Missouri.

Board of Governors of the Federal Reserve System, February 28, 2019.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2019–03908 Filed 3–4–19; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer (Form MSD–4; OMB No. 7100–0100) and the Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer (Form MSD–5; OMB No. 7100–0101). The Board proposes to revise Form MSD–4 and Form MSD–5 to (1) remove the date of birth and place of birth items from the 'Personal History of Applicant' section on Form MSD–4 and instructions; (2) make minor revisions to the Privacy Act statements on Form MSD–4 and Form MSD–5; and (3) remove the Privacy Act notice from the respective instructions for Form MSD–4 and Form MSD–5 (but leave the Privacy Act notice on the forms). The proposed revisions would be effective June 1, 2019.

DATES: Comments must be submitted on or before May 6, 2019.

ADDRESSES: You may submit comments, identified by *MSD–4* or *MSD–5,* by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available on the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposals

The Board invites public comment on the following information collections, which are being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collections

Report title: The Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.

Agency form number: Form MSD–4.

OMB control number: 7100–0100.

Frequency: On occasion; a municipal securities dealer (MSD) that is regulated by the Board is required to file Form MSD–4 within ten days of a municipal securities principal's or representative's association with that MSD.

Respondents: MSDs regulated by the Board that are, or are the subsidiary of, a state member bank (SMB), a bank holding company (BHC), a savings and loan holding company (SLHC) or a foreign dealer bank.

Estimated number of respondents: 18.

Estimated average hours per response: 1.

Estimated annual burden hours: 18.

General description of report: The Municipal Securities Rulemaking Board (MSRB) rule G–7, Information Concerning Associated Persons, requires persons who are or seek to be associated with an MSD as a municipal securities principal (a person performing supervisory functions) or representative (a person engaged in underwriting, trading, or sales of municipal securities or furnishing financial advice to issuers in connection with the issuance of municipal securities) to provide certain background information to the MSD. The rule also requires MSDs to obtain and report this information to the

appropriate regulatory agency (ARA). Board-regulated MSDs must report to the Board information required by MSRB rule G–7 using Form MSD–4. Generally, the information required by Form MSD–4 relates to employment history and professional background, including any disciplinary sanctions, as well as any claimed basis for exemption from MSRB examination requirements.

MSDs must retain copies of Form MSD–4 for each associated principal or representative during the entire term of employment and three years from the date of termination of employment. Completed reporting forms are sent as a Portable Document Format (PDF) directly to the Board via email.

Report title: The Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.

Agency form number: Form MSD–5.

OMB control number: 7100–0101.

Frequency: On occasion; an MSD that is regulated by the Board is required to file Form MSD–5 within 30 calendar days after a principal or representative terminates association with that MSD.

Respondents: MSDs regulated by the Board that are, or are the subsidiary of, a state member bank (SMB), a bank holding company (BHC), a savings and loan holding company (SLHC) or a foreign dealer bank.

Estimated number of respondents: 19.

Estimated average hours per response: 0.25.

Estimated annual burden hours: 5.

General description of report: Form MSD–5 is filed by a Board-regulated MSD when any employee previously registered as a municipal securities principal or representative is terminated for any reason. Form MSD–5 requires information such as the reason for termination and whether any investigations or actions by agencies or self-regulatory organizations (SROs) involving the associated person occurred during the period of employment.

Any SMB, BHC, SLHC, or foreign dealer bank registered as a MSD will continue to be required to file this event-generated report form for any employees that are terminated. MSDs must retain copies of the Form MSD–5 reports for three years from the date of termination of employment. Completed reporting forms are sent as a PDF directly to the Board via email.

Proposed revisions: The Board proposes to revise Form MSD–4 and Form MSD–5 to (1) remove the date of birth and place of birth items from the 'Personal History of Applicant' section on Form MSD–4 and instructions; (2) make minor revisions to the Privacy Act statements on Form MSD–4 and Form MSD–5; and (3) remove the Privacy Act notice from the respective instructions for Form MSD–4 and Form MSD–5 (but leave the Privacy Act notice on the forms). The proposed revisions would be effective June 1, 2019.

The date of birth and place of birth data fields on Form MSD–4 report are considered personally identifiable information (PII), and the Board generally does not need these fields in order to perform its supervisory responsibilities regarding applications to become municipal securities principals or representatives but could obtain this information on a case-by-case basis when needed. The Board is making an effort to remove PII from its supervisory reports if that PII is not critical to fulfilling its supervisory responsibilities.

The Board also proposes to update the Privacy Act notices that appear on Form MSD–4 and Form MSD–5, respectively. The Privacy Act governs the collection, maintenance, use, and dissemination of information about individuals that is maintained in systems of records by federal agencies. A system of records is a group of records under the control of the agency from which information about individuals is retrieved by name of the individual or some identifier assigned to the individual. Under the Privacy Act, an agency that maintains a system of records must provide notice to individuals, at the point of collection of information maintained in the system of records, of: (1) The authority which authorizes the collection and whether the collection is mandatory or voluntary; (2) the purpose of the collection; (3) the routine uses which may be made of the information; and (4) the effects of not disclosing the information.

The proposed revisions to the Privacy Act notice would include an updated website URL for the relevant system of records. The revisions to the notice also would reflect that Form MSD–4 and Form MSD–5 are interagency and would add the applicable Privacy Act notices from the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC). Finally, the Board would remove the Privacy Act notice from the instructions to Form MSD–4 and Form MSD–5, respectively, as a Privacy Act notice on the form collecting the information is sufficient and the Privacy Act notice on the instructions is duplicative.

Legal authorization and confidentiality: Sections 15B(a)–(b) and 17 of the Securities Exchange Act (the Act) authorize the SEC and MSRB to promulgate rules requiring MSDs to file reports about associated persons with the SEC and the ARA (15 U.S.C. 78o–4(a)–(b) and (q)). In addition, section 15B(c) of the Act provides that ARAs may enforce compliance with the SEC's and MSRB's rules (15 U.S.C. 78o–4(c)). Section 23(a) of the Act also authorizes the SEC, the Board, and the other ARAs to make rules and regulations in order to implement the provisions of the Act (15 U.S.C. 78w(a)). Under the Act, the Board is the ARA for a MSD that is, or is the subsidiary of, a SLHC, SMB (including its divisions or departments), or BHC (including a subsidiary bank of the bank holding company, if the subsidiary does not already report to another ARA or to the SEC, and any divisions, departments or subsidiaries of that subsidiary) (15 U.S.C. 78c(a)(34)(A)(ii)). Although the Act does not specify the ARA for MSD activities of foreign banks, uninsured state branches or state agencies of foreign banks, commercial lending companies owned or controlled by a foreign bank, or Edge Act corporations (collectively referred to as ''foreign dealer banks''), the Division of Market Regulation of the SEC has agreed that the Federal Reserve should examine the MSD activities of foreign dealer banks.[1] Accordingly, the Board's collection of Form MSD–4 and Form MSD–5 for these institutions is authorized pursuant to the Act.[2]

In addition, the Board is authorized to require that SMBs and their departments file reports with the Board pursuant to section 11(a)(1) of the Federal Reserve Act (12 U.S.C. 248(a)(1)). Branches and agencies of foreign banks are subject to the reporting requirements of section 11(a)(1) of the Federal Reserve Act pursuant to Section 7(c)(2) of the International Banking Act (12 U.S.C. 3105(c)(2)). BHCs and their subsidiaries are required to submit reports to the Board to ensure compliance with ''federal laws that the Board has specific jurisdiction to enforce'' (12 U.S.C. 1844(c)(1)(ii)(II)). Section 10(b)(2) of the Home Owners Loan Act authorizes the Board to require SLHCs to file ''such reports as may be required by the Board'' and instructs that such reports ''shall contain such information concerning the operations of such savings and loan holding company and its subsidiaries as the Board may require'' (12 U.S.C. 1467a(b)(2)).

[1] See Letter from Catherine McGuire, Chief Counsel, SEC's Division of Market Regulation, to Laura M. Homer, Assistant Director of Board S&R, June 14, 1994.

[2] 15 U.S.C. 78o–4, 78q, and 78w.

The obligation to file the forms with the Board is mandatory for those financial institutions for which the Board serves as the ARA, and the filing of both forms is event generated.

Generally, information provided on Form MSD–4 and Form MSD–5 will be kept confidential from the public under exemption 6 of the Freedom of Information Act (''FOIA''), which protects information in ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy'' (5 U.S.C. 552(b)(6)). In addition, other information on Form MSD–4 and Form MSD–5, such as the name of the MSD that filed the form, may be withheld under exemption 4 of the FOIA, if disclosure is reasonably likely to result in substantial competitive harm to the MSD (*e.g.,* if a MSD recently hired or terminated a number of municipal securities employees, disclosing these forms could reveal competitively sensitive commercial information about that dealer) (5 U.S.C. 552(b)(4)).

The information collected on Form MSD–4 and Form MSD–5 is maintained in a ''system of records'' within the meaning of the Privacy Act (5 U.S.C. 552a(a)(5)). As required under the Privacy Act, the Board formally designated a system of records notice (''SORN'') for this information collection, which is the ''BGFRS–17, FRB—Municipal or Government Securities Principals and Representatives,'' located here: *https://www.federalreserve.gov/files/BGFRS-17-municipal-or-government-securities-principals-and-representatives.pdf.* Pursuant to the Privacy Act, disclosure of information that must be released under the FOIA does not violate the Privacy Act (5 U.S.C. 552a(b)(2)). However, disclosure of any confidential information that is considered exempt under the FOIA must be made in accordance with the Privacy Act (5 U.S.C. 552a(b)). Thus, the Board may make disclosures of information collected on Form MSD–4 and Form MSD–5 in accordance with the Privacy Act's ''routine use'' disclosure provision, which permits the disclosure of a record for a purpose that is compatible with the purpose for which the record was collected (5 U.S.C. 552a(a)(7) and (b)(3)). The routine uses that apply to this information collection are listed in the SORN, which is available on the Board's website at the above hyperlink. Both Form MSD–4 and Form MSD–5 are being revised to include updated Privacy Act notices.

Consultation outside the agency: The Board has coordinated and consulted with the FDIC, OCC, and SEC in proposing these revisions.

Board of Governors of the Federal Reserve System, February 27, 2019.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2019–03874 Filed 3–4–19; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3662]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance on Reagents for Detection of Specific Novel Influenza A Viruses

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with the guidance on reagents for detection of specific novel influenza A viruses.

DATES: Submit either electronic or written comments on the collection of information by May 6, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 6, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 6, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–N–3662 for ''Guidance on Reagents for Detection of Specific Novel Influenza A Viruses.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in

its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance on Reagents for Detection of Specific Novel Influenza A Viruses—21 CFR Part 866

OMB Control Number 0910–0584—Extension

In accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360c), FDA evaluated an application for an in vitro diagnostic device for detection of influenza subtype H5 (Asian lineage), commonly known as avian flu. FDA concluded that this device is properly classified into class II in accordance with section 513(a)(1)(B) of the FD&C Act, because it is a device for which the general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but there is sufficient information to establish special controls to provide such assurance. The statute permits FDA to establish as special controls many different things, including postmarket surveillance, development and dissemination of guidance recommendations, and ''other appropriate actions as the Secretary deems necessary'' (section 513(a)(1)(B) of the FD&C Act). This information collection is a measure that FDA determined to be necessary to provide reasonable assurance of safety and effectiveness of reagents for detection of specific novel influenza A viruses.

FDA issued an order classifying the H5 (Asian lineage) diagnostic device into class II on March 22, 2006 (71 FR 14377), establishing the special controls necessary to provide reasonable assurance of the safety and effectiveness of that device and similar future devices. The new classification was codified in 21 CFR 866.3332, a regulation that describes the new classification for reagents for detection of specific novel influenza A viruses and sets forth the special controls that help to provide a reasonable assurance of the safety and effectiveness of devices classified under that regulation. The regulation refers to the document entitled ''Class II Special Controls Guidance Document: Reagents for Detection of Specific Novel Influenza A Viruses,'' which provides recommendations for measures to help provide a reasonable assurance of safety and effectiveness for these reagents. The guidance recommends that sponsors obtain and analyze postmarket data to ensure the continued reliability of their device in detecting the specific novel influenza A virus that it is intended to detect, particularly given the propensity for influenza viruses to mutate and the potential for changes in disease prevalence over time. As updated sequences for novel influenza A viruses become available from the World Health Organization, National Institutes of Health, and other public health entities, sponsors of reagents for detection of specific novel influenza A viruses will collect this information, compare them with the primer/probe sequences in their devices, and incorporate the result of these analyses into their quality management system, as required by 21 CFR 820.100(a)(1). These analyses will be evaluated against the device design validation and risk analysis required by 21 CFR 820.30(g) to determine if any design changes may be necessary.

FDA estimates that one respondent will be affected annually. The respondent will collect this information twice per year; each response is estimated to take 15 hours. This results in a total data collection burden of 30 hours.

The guidance also refers to previously approved information collections found in FDA regulations. The collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping regarding reagents for detection of specific novel influenza A viruses	1	2	2	15	30

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Manufactures are increasingly adopting in silico methods (computational analysis) for the detection of specific novel Influenza A viruses over traditional laboratory techniques. Therefore, few manufactures are using reagents for detection of specific novel influenza A viruses. Based on these industry trends, we estimate a decrease in the number of total annual records and a corresponding decrease of 270 hours in the total burden since our last OMB approval.

Dated: February 27, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03899 Filed 3–4–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0560]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance on Informed Consent for In Vitro Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection associated with the guidance on informed consent for in vitro diagnostic (IVD) device studies using leftover human specimens that are not individually identifiable.

DATES: Submit either electronic or written comments on the collection of information by May 6, 2019.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 6, 2019. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 6, 2019. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0560 for ''Guidance on Informed Consent for In Vitro Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20

and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance on Informed Consent for In Vitro Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable

OMB Control Number 0910–0582—Extension

FDA's investigational device regulations are intended to encourage the development of new, useful devices in a manner that is consistent with public health, safety, and compliant with ethical standards. Investigators should have freedom to pursue the least burdensome means of accomplishing this goal. However, to ensure that the balance is maintained between product development and the protection of public health, safety, and ethical standards, FDA has established human subject protection regulations addressing requirements for informed consent and institutional review board (IRB) review that apply to all FDA-regulated clinical investigations involving human subjects. In particular, informed consent requirements further both safety and ethical considerations by allowing potential subjects to consider both the physical and privacy risks they face if they agree to participate in a trial.

Under FDA regulations, clinical investigations using human specimens conducted in support of premarket submissions to FDA are considered human subject investigations (see 21 CFR 812.3(p)). Many investigational device studies are exempt from most provisions of part 812, Investigational Device Exemptions, under 21 CFR 812.2(c)(3), but FDA's regulations for the protection of human subjects (21 CFR parts 50 and 56) apply to all clinical investigations that are regulated by FDA (see 21 CFR 50.1, 21 CFR 56.101, 21 U.S.C. 360j(g)(3)(A), and 21 U.S.C. 360j(g)(3)(D)).

FDA regulations do not contain exceptions from the requirements of informed consent on the grounds that the specimens are not identifiable or that they are remnants of human specimens collected for routine clinical care or analysis that would otherwise have been discarded. Nor do FDA regulations allow IRBs to decide whether or not to waive informed consent for research involving leftover or unidentifiable specimens.

In the document entitled ''Guidance on Informed Consent for In Vitro Diagnostic Device Studies Using Leftover Human Specimens That Are Not Individually Identifiable,'' issued under the Good Guidances Practices regulation (21 CFR 10.115), FDA outlines the circumstances in which it intends to exercise enforcement discretion as to the informed consent regulations for clinical investigators, sponsors, and IRBs.

The recommendations of the guidance impose a minimal burden on industry. FDA estimates that 700 studies will be affected annually. Each study will result in one annual record, estimated to take 4 hours to complete. This results in a total recordkeeping burden of 2,800 hours ($700 \times 4 = 2{,}800$).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping regarding leftover human specimens that are not individually identifiable that are used in certain IVD studies	700	1	700	4	2,800

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: February 27, 2019.

Lowell J. Schiller,

Acting Associate Commissioner for Policy.

[FR Doc. 2019–03901 Filed 3–4–19; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0302]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before April 4, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–0302–30D and project title Medical Reserve Corps Unit Profile and Reports for reference. Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection:

Type of Collection: Revision.

OMB No.: 0990–0302.

Abstract: Medical Reserve Corps Units are currently located in 889 communities across the United States and represent a resource of 188,229 volunteers. In order to continue to support MRC units detailed information about the MRC units, including unit demographics, contact information (regular and emergency), volunteer numbers and information about unit activities is needed by the MRC Program. MRC Unit Leaders are asked to update this information on the MRC website at least quarterly and to participate in a technical assistance assessment using the Capability Assessment at least annually. This collection informs resources and tools developed as part of national programing, identify trends and target technical assistance to support MRC units' preparedness to respond to disasters in their communities. The MRC unit data collection has been refined to eliminate duplication and streamline data collection tools.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Unit Profile	MRC Unit Leader	889	4	30/60	1,778
Capability Assessment	MRC Unit Leader	889	1	30/60	444.5
Factors for Success	MRC Unit Leader	889	4	30/60	1,778
Unit Activity Reporting	MRC Unit Leader	889	4	15/60	1,778
Total			13		5,889.5

Terry Clark,

Asst. Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2019–03959 Filed 3–4–19; 8:45 am]

BILLING CODE 4150–47–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0275]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before April 4, 2019.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 795–7714. When submitting comments or requesting information, please include the document identifier 0990–0275–Revision–30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Implementation of an Electronic Spreadsheet-Based Uniform Data Set for OMH-funded Activities.

Type of Collection: Revision.

OMB No.: 0990–0275.

Abstract: The Office of Minority Health is seeking an approval on a revision to a currently approved collection OMB #0990–0275. The revised data collection activities seeks to further streamline the current questions grantees are asked by reducing the number of questions, and reduce the cost of the data collection system by using a more cost efficient alternative to the Performance Data

System, (PDS) web-based portal. The overall reduction in questions will reduce the number of burden hours on grantees. The movement from a customized web-based portal to reporting using commercial, off-the shelf software (*i.e.,* a spreadsheet) significantly reduces the cost of performance data collection and reporting. To collect program management and performance data for all OMH-funded projects, grantee data collection via the Uniform Data Set, UDS (original data collection system) was first approved by OMB on June 7, 2004 (OMB No. 0990–275).

Need and Proposed Use of the Information: The clearance is needed to continue performance data collection to enable OMH to comply with Federal reporting requirements and monitor and evaluate performance by enabling the efficient collection of performance-oriented data tied to OMH-wide performance reporting needs. The ability to monitor and evaluate performance in this manner, and to work towards continuous program improvement are basic functions that OMH must be able to accomplish in order to carry out its mandate with the most effective and appropriate use of resources.

Likely Respondents: Respondents for this data collection include the project directors for OMH-funded projects and/or the date entry persons for each OMH-funded project. Affected public includes non-profit institutions, State, Local, or Tribal Governments.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Performance Reporting Template	Non-profit institutions, State, Local, or Tribal Governments.	130	4	45/60	390
Total	.....	130	4	45/60	390

Terry Clark,

Asst Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2019–03907 Filed 3–4–19; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0458 Revision]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a revision to an existing Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the revision of the ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 6, 2019.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier OS–0990–0458 Revision, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Domestic Violence Housing First Demonstration Evaluation.

Type of Collection: Revision.

OMB No.: 0990–0458.

Abstract: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) within the U.S. Department of Health and Human Services, in partnership with the Office for Victims of Crimes within the U.S. Department of Justice, is seeking approval by OMB for a revision to add a 24-month follow-up data collection to an existing information collection request entitled, ''Domestic Violence Housing First (DVHF) Demonstration Evaluation'' (OMB Control Number: HHS–OS–0990–0458). The Washington State Coalition Against Domestic Violence (WSCADV) is overseeing and coordinating an evaluation of the DVHF Demonstration project through a contract with ASPE. This quasi-experimental research study involves longitudinally examining the program effects of DVHF on domestic violence survivors' safety and housing stability. The findings will be of interest to the general public, to policy-makers, and to organizations working with domestic violence survivors.

Current data collection that has been approved by OMB includes in-depth, private interviews with 320 domestic violence survivors conducted by trained professional staff. The data are currently approved for collection at study enrollment (Time 1), and at follow-up interviews every six months after the Time 1 Interview (*i.e.,* 6, 12, and 18 months) to examine the match between needs and services, as well as their safety and housing stability. The proposed revision to the collection would add a fourth follow-up data collection to be administered 24 months after study enrollment (Time 1) to examine longer-term impacts of the Domestic Violence Housing First Demonstration program. The follow-up survey is identical to the one used at the 6, 12, and 18 month follow-up. The respondents are domestic violence survivors who are enrolled in the Domestic Violence Housing First Demonstration Evaluation (OMB Control Number HHS–OS–0990–0458). Study enrollment is taking place over 15 months, so the annualized burden for the 24-month follow-up survey is based on 12/15 (256) of the expected sample (320).

ANNUALIZED BURDEN HOUR TABLE

Form name	Type of respondent	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Follow-up Interview	Domestic violence survivors	256	1	1.25	320
Total					320

Dated: February 7, 2019.

Terry Clark,

Asst Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2019–03960 Filed 3–4–19; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice To Propose the Re-Designation of the Delivery Area for the Havasupai Tribe

AGENCY: Indian Health Service.

ACTION: Notice.

SUMMARY: This notice is to advise the public that the Indian Health Service (IHS) proposes to expand the geographic boundaries of the Purchased/Referred Care (PRC) Delivery Area (DA) for the Havasupai Tribe in Arizona. The Havasupai Tribe's PRCDA is currently Coconino County in the State of Arizona. The IHS proposes to expand the Tribe's PRCDA to include Mojave County, which is adjacent to the Tribe's existing PRCDA in the State of Arizona.

DATES: Comments due April 4, 2019.

ADDRESSES: In commenting, please refer to file code [**Federal Register** insert file code number]. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit comments electronically to *http://www.regulations.gov.* Follow the ''Submit a Comment'' instructions.

2. *By postal mail.* You may mail written comments to the following address ONLY: Ms. Emmalani Longenecker, Indian Health Service, 5600 Fishers Lane, Mailstop: 09E70, Rockville, Maryland 20857. Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the above address.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to the following address. Ms. Emmalani Longenecker, Indian Health Service, 5600 Fishers Lane, Mailstop: 09E70, Rockville, Maryland 20857.

If you intend to deliver your comments to the Rockville address, please call telephone number (301) 443–1116 in advance to schedule your arrival with a staff member.

Comments will be made available for public inspection at the Rockville address from 8:30 a.m. to 5:00 p.m., Monday–Friday, two weeks after publication of this notice.

FOR FURTHER INFORMATION CONTACT: CMDR John Rael, Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mailstop: 10E85C, Rockville, Maryland 20852. Telephone 301/443–2694 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment.

Background: The IHS currently provides services under regulations in effect on September 15, 1987 and IHS republished at 42 CFR part 136, subparts A–C. Subpart C defines a PRCDA as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the area. Residence in a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC. Services needed but not available at an IHS/Tribal facility are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

As applicable to the tribes, these regulations provide that, unless otherwise designated, a PRCDA shall consist of a county which includes all or part of a reservation and any county or counties that have a common boundary with the reservation [42 CFR 136.22(a)(6)]. The regulations also provide that after consultation with the tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may periodically re-designate areas within the United States (U.S.) for inclusion in or exclusion from a PRCDA. The regulations require that certain criteria must be considered before any re-designation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the tribes;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any re-designation of a PRCDA must be made in accordance with the Administrative Procedures Act (5 U.S.C. 553). In compliance with this requirement, we are publishing this proposal and requesting public comments. The Havasupai Tribe's home is in Coconino County, Arizona, at the bottom of an extremely rugged section of the Grand Canyon. The reservation lies 3,000 feet below the canyon rim, surrounded by U.S. Forest Service and National Park Service lands. The reservation was initially established by an Executive Order on June 8, 1880. The Grand Canyon National Park Enlargement Act on March 4, 1944, set aside certain public domain lands and provided for an exchange of State-owned lands to be added to the reservation, bringing it to its present size.

The IHS operates a health station in the Havasupai Tribe's Village of Supai, Arizona, within Coconino County. When the health care needs of Havasupai Tribal members' are greater than the available services at the IHS health station, tribal members often move from Supai, Arizona, to the City of Kingman, Arizona. The City of

Kingman is located in Mojave County, which is the nearest location that provides higher levels of health care services.

The Havasupai Tribe's current PRCDA is Coconino County in the State of Arizona. The IHS administratively established this PRCDA, based upon the location of the tribe's reservation, for the purposes of administering PRC benefits to tribal members. Members of the tribe who reside outside of Coconino County do not reside within the tribe's PRCDA, meaning they are not currently eligible for PRC services.[42]

One of the criteria for re-designation is the geographic proximity of the expanded area to the existing reservation or delivery area. IHS proposes to expand the Havasupai Tribe's PRCDA to include Mojave County, which is adjacent to the existing PRCDA, in the State of Arizona. The Havasupai Tribe has a significant number of members who are residents of the shared county boundary with Mojave County. According to the most recent IHS Active User reports, there are approximately 122 enrolled Havasupai Tribal members who reside in Mojave County, Arizona, and remain actively involved with the tribe.

Under 42 CFR 136.23, those otherwise eligible Indians who do not reside on a reservation, but reside within a PRCDA, must be either members of the tribe or other IHS beneficiaries who maintain close economic and social ties with the tribe. In this case, in applying the aforementioned PRC Delivery Area re-designation criteria required by operative regulations codified at 42 CFR part 136, subpart C, the following findings are made:

1. By expanding, the IHS estimates the current eligible population will be increased by 122.

2. The Havasupai Tribe has determined that these 122 individuals are members of the Havasupai Tribe and they are socially and economically affiliated with the Havasupai Tribe.

3. The expanded area including Mojave County in the State of Arizona maintains a common boundary with the statutorily created Coconino County PRCDA.

4. Generally, the Havasupai Tribal members located in Mojave County in the State of Arizona currently do not use the Indian health system for their PRC health care needs. The Havasupai Tribe will use its existing federal allocation for PRC funds to provide health care services to the expanded population. No additional financial resources will be allocated by the IHS to the Havasupai Tribe to provide services to tribal members residing in Mojave County in the State of Arizona.

This notice does not contain reporting or recordkeeping requirements subject to prior approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

PURCHASED/REFERRED CARE DELIVERY AREAS

Tribe/Reservation	County/State
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX.[1]
Alaska	Entire State.[2]
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME.[3]
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Ashland, WI, Iron, WI.
Bay Mills Indian Community, Michigan	Chippewa, MI.
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	Glacier, MT, Pondera, MT.
Brigham City Intermountain School Health Center, Utah	[4] Permanently closed on May 17, 1984.
Burns Paiute Tribe	Harney, OR.
California	Entire State, except for the counties listed in the footnote.[5]
Catawba Indian Nation (aka Catawba Tribe of South Carolina)	All Counties in SC,[6] Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation	Alleghany, NY,[7] Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe of Louisiana	St. Mary Parish, LA.
Cocopah Tribe of Arizona	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Flathead, MT, Lake, MT, Missoula.
Confederated Tribes and Bands of the Yakama Nation	Klickitat, WA, Lewis, WA, Skamania, WA,[8] Yakima, WA.
Confederated Tribes of Siletz Indians of Oregon	Benton, OR,[9] Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Chehalis Reservation	Grays Harbor, WA, Lewis, WA, Thurston, WA.
Confederated Tribes of the Colville Reservation	Chelan, WA,[10] Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Coos, OR,[11] Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Nevada, Juab, UT, Toole, UT.
Confederated Tribes of the Grand Ronde Community of Oregon	Marion, OR, Multnomah, OR, Polk, OR,[12] Tillamook, OR, Washington, OR, Yamhill, OR.
Confederated Tribes of the Umatilla Indian Reservation	Umatilla, OR, Union, OR.
Confederated Tribes of the Warm Springs Reservation of Oregon	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.

[42] Members of the Tribe may be eligible for PRC in other counties based upon their residence on another Tribe's reservation, or their residence within another Tribe's PRCDA and close economic and social ties with that Tribe.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Coquille Indian Tribe	Coos, OR, Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe of Louisiana	Allen Parish, LA, the city limits of Elton, LA.[13]
Cow Creek Band of Umpqua Tribe of Indians	Coos, OR,[14] Deshutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Clark, WA, Cowlitz, WA, King, WA, Lewis, WA, Peirce, WA, Skamania, WA, Thurston, WA, Columbia, OR,[15] Kittitas, WA, Wahkiakum, WA.
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Crow Tribe of Montana	Big Horn, MT, Carbon, MT, Treasure, MT,[16] Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Eastern Band of Cherokee Indians	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Flandreau Santee Sioux Tribe of South Dakota	Moody, SD.
Forest County Potawatomi Community, Wisconsin	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	The entire State of Nevada, Malheur, OR.
Fort McDowell Yavapai Nation, Arizona	Maricopa, AZ.
Fort Mojave Indian Tribe of Arizona, California and Nevada	The entire State of Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community of the Gila River Indian Reservation, Arizona.	Maricopa, AZ, Pinal, AZ.
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	Antrim, MI,[17] Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community, Michigan	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS.[18]
Havasupai Tribe of the Havasupai	Coconino, AZ, Mojave, AZ.[19]
Reservation, Arizona	
Ho-Chunk Nation of Wisconsin	Adams, WI,[20] Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Clarrie, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe	Jefferson, WA.
Hopi Tribe of Arizona	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME.[21]
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Iowa Tribe of Kansas and Nebraska	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA,[22] LaSalle Parish, LA, Rapides, LA.
Jicarilla Apache Nation, New Mexico	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community of the Kalispel Reservation	Pend Oreille, WA, Spokane, WA.
Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo).	Sandoval, NM, Santa Fe, NM.
Keweenaw Bay Indian Community, Michigan	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Traditional Tribe of Texas	Maverick, TX.[23]
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Brown, KS, Jackson, KS.
Klamath Tribes	Klamath, OR.[24]
Koi Nation of Northern California (formerly known as Lower Lake Rancheria, California).	Lake, CA, Sonoma, CA.[25]
Kootenai Tribe of Idaho	Boundary, ID.
Lac Courte Oreilles Band of Superior Chippewa Indians of Wisconsin	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin.	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	Gogebic, MI.
Little River Band of Ottawa Indians, Michigan	Kent, MI,[26] Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Manistee, MI, Mason, MI, Wexford, MI, Lake, MI.
Little Traverse Bay Bands of Odawa Indians, Michigan	Alcona, MI,[27] Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community	Clallam, WA.
Lower Sioux Indian Community in the State of Minnesota	Redwood, MN, Renville, MN.
Lummi Tribe of the Lummi Reservation	Whatcom, WA.
Makah Indian Tribe of the Makah Indian Reservation	Clallam, WA.
Mashantucket Pequot Indian Tribe	New London, CT.[28]
Mashpee Wampanoag Tribe	Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[29]

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan	Allegan, MI,[30] Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe of Wisconsin	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Chaves, NM, Lincoln, NM, Otero, NM.
Miccosukee Tribe of Indians	Broward, FL, Collier, FL, Miami-Dade, FL, Hendry, FL.
Minnesota Chippewa Tribe, Minnesota, Bois Forte Band (Nett Lake)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Fond du Lac Band	Carlton, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Grand Portage Band	Cook, MN.
Minnesota Chippewa Tribe, Minnesota, Leech Lake Band	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Minnesota Chippewa Tribe, Minnesota, Mille Lacs Band	Aitkin, MN, Kanebec, MN, Mille Lacs, MN, Pine, MN.
Minnesota Chippewa Tribe, Minnesota, White Earth Band	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS,[31] Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS,[32] Scott, MS,[33] Winston, MS.
Mohegan Tribe of Indians of Connecticut	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Narragansett Indian Tribe	Washington, RI.[34]
Navajo Nation, Arizona, New Mexico, & Utah	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State.[35]
Nez Perce Tribe	Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.	Big Horn, MT, Carter, MT,[36] Rosebud, MT.
Northwestern Band of Shoshone Nation	Box Elder, UT.[37]
Nottawaseppi Huron Band of the Pottawatomi, Michigan	Allegan, MI,[38] Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Oglala Sioux Tribe	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD,[39] Mellette, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD.
Ohkay Owingeh, New Mexico	Rio Arriba, NM.
Oklahoma	Entire State.[40]
Omaha Tribe of Nebraska	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation (previously listed as the Oneida Tribe of Indians of Wisconsin).	Brown, WI, Outagamie, WI.
Oneida Nation Indian Nation (previously listed as the Oneida Nation of New York).	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT,[41] Millard, UT, Sevier, UT, Washington, UT.
Pamunkey Indian Tribe	Caroline, VA, Hanover, VA, Henrico, VA, King William, VA, King and Queen, VA, New Kent, VA, Richmond (Independent City).[42]
Pascua Yaqui Tribe of Arizona	Pima, AZ.[43]
Passamaquoddy Tribe	Aroostook, ME,[44] [45] Hancock, ME,[46] Washington, ME.
Penobscot Nation	Aroostook, ME,[47] Penobscot, ME.
Poarch Band of Creeks	Baldwin, AL,[48] Elmore, AL, Escambia, AL, Mobile, AL, Monroe, AL, Escambia, FL.
Pokagon Band of Pottawatomi Indians, Michigan and Indiana	Allegan, MI,[49] Berrien, MI, Cass, MI, Elkhart, IN, Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe of Nebraska	Boyd, NE,[50] Burt, NE, Charles Mix, SD, Douglas, NE, Hall, NE, Holt, NE, Knox, NE, Lancaster, NE, Madison, NE, Platte, NE, Pottawatomie, IA, Sarpy, NE, Stanton, NE, Wayne, NE, Woodbury, IA.
Port Gamble S'Klallam Tribe	Kitsap, WA.
Prairie Band of Pottawatomi Nation	Jackson, KS.
Prairie Island Indian Community in the State of Minnesota	Goodhue, MN.
Pueblo of Acoma, New Mexico	Cibola, NM.
Pueblo of Cochiti, New Mexico	Sandoval, NM, Santa Fe, NM.
Pueblo of Isleta, New Mexico	Bernalillo, NM, Torrance, NM, Valencia, NM.
Pueblo of Jemez, New Mexico	Sandoval, NM.
Pueblo of Laguna, New Mexico	Bernalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe, New Mexico	Santa Fe, NM.
Pueblo of Picuris, New Mexico	Taos, NM.
Pueblo of Pojoaque, New Mexico	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe, New Mexico	Sandoval, NM.
Pueblo of San Ildefonso, New Mexico	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Sandia, New Mexico	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana, New Mexico	Sandoval, NM.
Pueblo of Santa Clara, New Mexico	Los Alamos, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Taos, New Mexico	Colfax, NM, Taos, NM.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Pueblo of Tesuque, Mexico	Sana Fe, NM.
Pueblo of Zia, New Mexico	Sandoval, NM.
Puyallup Tribe of the Puyallup Reservation	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe of the Fort Yuma Indian Reservation, Arizona and California.	Yuma, AZ, Imperial, CA.
Quileute Tribe of the Quileute Reservation	Clallam, WA, Jefferson, WA.
Quinault Indian Nation	Grays Harbor, WA, Jefferson, WA.
Rapid City, South Dakota	Pennington, SD.[51]
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Bayfield, WI.
Red Lake Band of Chippewa Indians, Minnesota	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Brown, KS, Richardson, NE.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Saginaw Chippewa Indian Tribe of Michigan	Arenac, MI,[52] Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
Saint Regis Mohawk Tribe	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.	Maricopa, AZ.
Samish Indian Nation	Clallam, WA,[53] Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe of the San Carlos Reservation, Arizona	Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe of Arizona	Coconino, AZ, San Juan, UT.
Santee Sioux Nation, Nebraska	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.
Sault Ste. Marie Tribe of Chippewa Indians, Michigan	Alger, MI,[54] Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Miami-Dade, FL, Glades, FL, Hendry, FL.
Seneca Nation of Indians	Alleghany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community of Minnesota	Scott, MN.
Shinnecock Indian Nation	Nassau, NY,[55] Suffolk, NY.
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Pacific, WA.
Shoshone-Bannock Tribes of the Fort Hall Reservation	Bannock, ID, Bingham, ID, Caribou, ID, Lemhi, ID,[56] Power, ID.
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada	The entire SNevada, Owyhee, ID.
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota.	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe	Mason, WA.
Skull Valley Band of Goshute Indians of Utah	Tooele, UT.
Snoqualmie Indian Tribe	King, WA,[57] Snohomish, WA, Pierce, WA, Island, WA, Mason, WA.
Sokaogon Chippewa Community, Wisconsin	Forest, WI.
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe, North Dakota	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe of the Spokane Reservation	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe of the Squaxin Island Reservation	Mason, WA.
St. Croix Chippewa Indians of Wisconsin	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
Standing Rock Sioux Tribe of North & South Dakota	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stillaguamish Tribe of Indians of Washington	Snohomish, WA.
Stockbridge Munsee Community, Wisconsin	Menominee, WI, Shawano, WI.
Suquamish Indian Tribe of the Port Madison Reservation	Kitsap, WA.
Swinomish Indian Tribal Community	Skagit, WA.
Tejon Indian Tribe	Kern, CA.[58]
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation of Arizona	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tolowa Dee-ni' Nation (formerly known as Smith River Rancheria of California).	California, Curry, OR.[59]
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit, North Dakota and Montana	Divide, ND,[60] McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes of Washington	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA.[61]
Turtle Mountain Band of Chippewa Indians of North Dakota	Rolette, ND.
Tuscarora Nation	Niagara, NY.
Upper Sioux Community, Minnesota	Chippewa, MN, Yellow Medicine, MN.
Upper Skagit Indian Tribe	Skagit, WA.

PURCHASED/REFERRED CARE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Ute Tribe	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampanoag Tribe of Gay Head (Aquinnah)	Dukes, MA,[62] Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[63]
Washoe Tribe of Nevada & California	Nevada, California except for the counties listed in footnote.
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Wilton Rancheria, California	Sacramento, CA.[64]
Winnebago Tribe of Nebraska	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe of South Dakota	Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.	Yavapai, AZ.
Yavapai-Prescott Indian Tribe	Yavapai, AZ.
Ysleta Del Sur Pueblo of Texas	El Paso, TX.[65]
Zuni Tribe of the Zuni Reservation, New Mexico	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.

[1] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the Tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

[2] Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

[3] Aroostook Band of Micmacs was recognized by Congress on November 26, 1991, through the Aroostook Band of Micmac Settlement Act. Aroostook County, ME, was defined as the SDA.

[4] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Brigham City Intermountain School Health Center, Utah (Pub. L. 88–358).

[5] Entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

[6] The counties were recognized after the January 1984 CHSDA FRN was published, in accordance with Public Law 103–116, Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, dated October 27, 1993.

[7] There is no reservation for the Cayuga Nation; the service delivery area consists of those counties identified by the Cayuga Nation.

[8] Skamania County, WA, has historically been a part of the Yakama Service Unit population since 1979.

[9] In order to carry out the Congressional intent of the Siletz Restoration Act, Public Law 95–195, as expressed in H. Report No. 95–623, at page 4, members of the Confederated Tribes of Siletz Indians of Oregon residing in these counties are eligible for contract health services.

[10] Chelan County, WA, has historically been a part of the Colville Service Unit population since 1970.

[11] Pursuant to Public Law 98–481 (H. Rept. No. 98–904), Coos, Lower Umpqua and Siuslaw Restoration Act, members of the Tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation.

[12] The Confederated Tribes of Grand Ronde Community of Oregon were recognized by Public Law 98–165 which was signed into law on November 22, 1983, and provides for eligibility in these six counties without regard to the existence of a reservation.

[13] The CHSDA for the Coushatta Tribe of Louisiana was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(6)) to include city limits of Elton, LA.

[14] Cow Creek Band of Umpqua Tribe of Indians recognized by Public Law 97–391, signed into law on December 29, 1983. House Rept. No. 97–862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IHS later administratively expanded the CHSDA to include the counties of Coos, OR, Deschutes, OR, Klamath, OR, and Lane, OR.

[15] The Cowlitz Indian Tribe was recognized in July 2002 as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638. The CHSDA was administratively expanded to included Columbia County, OR, Kittitas, WA, and Wahkiakum County, WA, as published at 67884 FR December 21, 2009.

[16] Treasure County, MT, has historically been a part of the Crow Service Unit population.

[17] The counties listed have historically been a part of the Grand Traverse Service Unit population since 1980.

[18] Haskell Indian Health Center has historically been a part of Kansas Service Unit since 1979. Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Haskell Indian Health Center (H. Rept. No. 95–392).

[19] The PRCDA for the Havasupai Tribe of Arizona is being expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(6)) to include Mojave County in the State of Arizona.

[20] CHSDA counties for the Ho-Chunk Nation of Wisconsin were designated by regulation (42 CFR 136.22(a)(5)). Dane County, WI, was added to the reservation by the Bureau of Indian Affairs in 1986.

[21] Public Law 97–428 provides that any member of the Houlton Band of Maliseet Indians in or around the Town of Houlton shall be eligible without regard to existence of a reservation.

[22] The Jena Band of Choctaw Indian was Federally acknowledged as documented at 60 FR 28480, May 31, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[23] Kickapoo Traditional Tribe of Texas, formerly known as the Texas Band of Kickapoo, was recognized by Public Law 97–429, signed into law on January 8, 1983. The Act provides for eligibility for Kickapoo Tribal members residing in Maverick County without regard to the existence of a reservation.

[24] The Klamath Indian Tribe Restoration Act (Pub. L. 99–398, Sec. 2(2)) states that for the purpose of Federal services and benefits ''members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation''.

[25] The Koi Nation of Northern California, formerly known as the Lower Lake Rancheria, was reaffirmed by the Secretary of the Bureau of Indian Affairs on December 29, 2000. The counties listed were designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[26] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec.4 (b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[27] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec.4 (b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[28] Mashantucket Pequot Indian Claims Settlement Act, Public Law 98–134, signed into law on October 18, 1983, provides a reservation for the Mashantucket Pequot Indian Tribe in New London County, CT.

[29] The Mashpee Wampanoag Tribe was recognized in February 2007, as documented at 72 FR 8007, February 22, 2007. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[30] The Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan was recognized in October 1998, as documented at 63 FR 56936, October 23, 1998. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[31] Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[32]Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[33] Scott County, MS, has historically been a part of the Choctaw Service Unit population since 1970.

[34] The Narragansett Indian Tribe was recognized by Public Law 95–395, signed into law September 30, 1978. Lands in Washington County, RI, are now Federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.

[35] Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22 (a)(2)).

[36] Carter County, MT, has historically been a part of the Northern Cheyenne Service Unit population since 1979.

[37] Land of Box Elder County, Utah, was taken into trust for the Northwestern Band of Shoshoni Nation in 1986.

[38] The Nottawaseppi Huron Band of the Potawatomi, Michigan, formerly known as the Huron Band of Potawatomi, Inc., was recognized in December 1995, as documented at 60 FR 66315, December 21, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[39] Washabaugh County, SD, merged and became part of Jackson County, SD, in 1983; both were/are CHSDA counties for the Oglala Sioux Tribe.

[40] Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22 (a)(3)).

[41] Paiute Indian Tribe of Utah Restoration Act, Public Law 96–227, provides for the extension of services for the Paiute Indian Tribe of Utah to these four counties without regard to the existence of a reservation.

[42] In the **Federal Register** on July 08, 2015 (80 FR 39144), the Pamunkey Indian Tribe was officially recognized as an Indian Tribe within the meaning of Federal law. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[43] Legislative history (H.R. Report No. 95–1021) to Public Law 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the Pascua Yaqui Tribe of Arizona pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.

[44] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide contract health services to the Passamaquoddy Tribe and the Penobscot Nation.

[45] The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRCDA for the Passamaquoddy Tribe at Indian Township, ME, is Aroostook County, ME, Washington County, ME, and Hancock County, ME. The PRCDA for the Passamaquoddy Tribe at Pleasant Point, ME, is Washington County, ME, south of State Route 9, and Aroostook County, ME.

[46] The Passamaquoddy Tribe's counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[47] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide PRC to the Passamaquoddy Tribe and the Penobscot Nation.

[48] Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).

[49] Public Law 103–323 restored Federal recognition to the Pokagon Band of Potawatomi Indians, Michigan and Indiana, in 1994 and identified counties to serve as the SDA.

[50] The Ponca Restoration Act, Public Law 101–484, recognized members of the Ponca Tribe of Nebraska in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota as residing on or near a reservation. Public Law 104–109 made technical corrections to laws relating to Native Americans and added Burt, Hall, Holt, Platte, Sarpy, Stanton, and Wayne counties of Nebraska and Pottawatomie and Woodbury counties of Iowa to the Ponca Tribe of Nebraska SDA.

[51] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations. Historically services have been provided at Rapid City (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).

[52] Historically part of Isabella Reservation Area for the Saginaw Chippewa Indian Tribe of Michigan and the Eastern Michigan Service Unit population since 1979.

[53]The Samish Indian Tribe Nation was Federally acknowledged in April 1996 as documented at 61 FR 15825, April 9, 1996. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[54] CHSDA counties for the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, were designated by regulation (42 CFR 136.22(a)(4)).

[55] The Shinnecock Indian Nation was Federally acknowledged in June 2010 as documented at 75 FR 34760, June 18, 2010. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[56] Lemhi County, ID, has historically been a part of the Fort Hall Service Unit population since 1979.

[57] The Snoqualmie Indian Tribe was Federally acknowledged in August 1997 as documented at 62 FR 45864, August 29, 1997. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[58] On December 30, 2011 the Office of Assistant Secretary-Indian Affairs reaffirmed the Federal recognition of the Tejon Indian Tribe. The county listed was designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[59] The counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[60] The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Unit, North Dakota and Montana, in Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

[61] Rapides County, LA, has historically been a part of the Tunica Biloxi Service Unit population since 1982.

[62] According to Public Law 100–95, Sec. 12, members of the Wampanoag Tribe of Gay Head (Aquinnah) residing on Martha's Vineyard are deemed to be living on or near an Indian reservation for the purposes of eligibility for Federal services.

[63] The counties listed are designated administratively as the SDA, to function as a PRCDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[64] The Wilton Rancheria, California had Federal recognition restored in July 2009 as documented at 74 FR 33468, July 13, 2009. Sacramento County, CA, was designated administratively as the SDA, to function as a CHSDA. Sacramento County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

[65] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for "members of the Tribe" by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

Michael D. Weahkee,

RADM, Assistant Surgeon General, U.S. Public Health Service, Principal Deputy Director, Indian Health Service.

[FR Doc. 2019–03884 Filed 3–4–19; 8:45 a.m.]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; COI/Career Award.

Date: June 27, 2019.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Room 3042, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yanli Wang, Ph.D., Health Data Scientist, Division of Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4933, *yanli.wang@.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 28, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03953 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; Scholarly Works (G13).

Date: July 12, 2019.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Conference Room, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 28, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03954 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–4: SBIR Contract Review.

Date: March 27–28, 2019.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W112, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–9750, 240–276–5864, *jennifer.schiltz@nih.gov*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 28, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03946 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: AIDS and Related Research.

Date: March 22, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and Related Research.

Date: March 22, 2019.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biodata Management and Analysis.

Date: March 27, 2019.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Inter-Organelle Communication in Cancer.

Date: April 11, 2019.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Janet M. Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03944 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Cancellation of Meeting

Notice is hereby given of the cancellation of the Frederick National Laboratory Advisory Committee to the National Cancer Institute, February 20, 2019, 1:00 p.m. to February 20, 2019, 5:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, TE406, Rockville, MD, 20850 which was published in the **Federal Register** on February 5, 2019, 84 FR 1759.

This meeting was cancelled due to inclement weather and will not be rescheduled.

Dated: February 28, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03947 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.

Date: June 14, 2019.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Linthicum Heights, MD 21090.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 28, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03948 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–AI–18–029: HIV Drug Resistance.

Date: March 15, 2019.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Strategies to Improve Access to Care and Address Health Disparities.

Date: March 15, 2019.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, 301–827–4446, *bellingerjd@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: HIV/AIDS Innovative Research Applications.

Date: March 22, 2019.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HIV/AIDS Point-of-Care Applications.

Date: March 22, 2019.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biology of Pathogenic Eukaryotes.

Date: March 27, 2019.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–435–2306, *boundst@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03945 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Expanding Extramural Research Opportunities at the NIH Clinical Center, (U01 Clinical Trial Optional).

Date: April 12, 2019.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health 5601 Fishers Lane, Rockville, MD 20892

Contact Person: Dharmendar Rathore, Ph.D., Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9834, Bethesda, MD 20892–9834, 240–669–5058, *rathored@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 28, 2019.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03949 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Cancer Survivorship and Caregiver Support.

Date: March 15, 2019.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lauren Fordyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, Bethesda, MD 20892, 301–827–8269, *fordycelm@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PA18–484: Cancer Genetics.

Date: March 26, 2019.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1256, *biesj@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: U.S. Tobacco Control Policies to Reduce Health Disparities.

Date: March 29, 2019.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael J. McQuestion, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, Bethesda, MD 20892, 301–480–1276, *mike.mcquestion@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 27, 2019.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03864 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Informatics, Library and Data Sciences Review Committee.

Date: June 13–14, 2019.

Time: June 13, 2019, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Hyatt, 1 Metro Center, Bethesda, MD 20814.

Time: June 14, 2019, 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 28, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03951 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; R01 PAR Computational Curation

Date: May 23, 2019.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine/Center for Scientific Review, 6701 Rockledge Drive, Room 3042, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Yanli Wang, Ph.D., Health Data Scientist, Division of Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4933, *yanli.wang@.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 28, 2019.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03952 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Coordinating Centers Special Emphasis Panel.

Date: March 29, 2019.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7009, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–4721, *Kozelp@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 28, 2019.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2019–03950 Filed 3–4–19; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1908]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table

below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 3, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1908, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Teton County, Idaho and Incorporated Areas Project: 11–10–0411S Preliminary Date: July 19, 2018	
City of Driggs	Driggs City Hall, 60 South Main Street, Driggs, ID 83422.
City of Tetonia	City Hall, 3192 Perry Avenue, Tetonia, ID 83452.
City of Victor	City Hall, 32 Elm Street, Victor, ID 83455.
Unincorporated Areas of Teton County	Teton County Law Enforcement Center, 230 North Main Street, Driggs, ID 83422.
Randolph County, Illinois and Incorporated Areas Project: 12–05–8956S Preliminary Date: June 22, 2018	
Unincorporated Areas of Randolph County	Randolph County Courthouse, 1 Taylor Street, Chester, IL 62233.
Village of Ellis Grove	City Hall, 101 Main Street, Ellis Grove, IL 62241.
Village of Evansville	Evansville Village Hall, 403 Spring Street, Evansville, IL 62242.
Village of Prairie du Rocher	Prairie du Rocher Village Hall, 209 Henry Street, Prairie du Rocher, IL 62277.

Community	Community map repository address
Wright County, Minnesota and Incorporated Areas Project: 08–05–4043S Preliminary Date: July 31, 2018	
City of Delano	City Hall, 234 Second Street North, Delano, MN 53328.
Unincorporated Areas of Wright County	Wright County Government Center, 10 Second Street Northwest, Buffalo, MN 53313.
Seward County, Nebraska and Incorporated Areas Project: 15–07–2318S Preliminary Date: August 1, 2018	
City of Milford	City Hall, 505 1st Street, Milford, NE, 68405.
City of Seward	City Hall, 537 Main Street, Seward, NE 68434.
Unincorporated Areas of Seward County	Seward County Courthouse, 529 Seward Street, Seward, NE 68434.
Village of Beaver Crossing	Village Hall, 800 Dimery Street, Beaver Crossing, NE 68313.
Village of Bee	Village Office, 220 Elm Street, Bee, NE 68314.
Village of Cordova	Village Records Office, 310 Hector Street, Cordova, NE 68330.
Village of Garland	Garland Fire Department, 170 4th Street, Garland, NE 68360.
Village of Goehner	Village Office, 1140 May Street, Goehner, NE 68364.
Village of Pleasant Dale	Community Hall, 110 Ash Street, Pleasant Dale, NE 68423.
Village of Staplehurst	Community Hall, 155 South 3rd Street, Staplehurst, NE 68439.
Village of Utica	Village Office, 466 1st Street, Utica, NE 68456.
Miami County, Ohio and Incorporated Areas Project: 14–05–9582S Preliminary Date: October 29, 2018	
City of Piqua	City Hall, 201 West Water Street, Piqua, OH 45356.
Unincorporated Areas of Miami County	Miami County Safety Building, 201 West Main Street, Troy, OH 45373.

[FR Doc. 2019–03866 Filed 3–4–19; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1911]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 3, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1911, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered

an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Allamakee County, Iowa and Incorporated Areas Project: 16–07–2070S Preliminary Date: April 16, 2018	
City of Harpers Ferry	City Hall, 238 North 4th Street, Harpers Ferry, IA 52146.
City of Lansing	City Hall, 201 John Street, Lansing, IA 52151.
City of New Albin	Municipal Building, 164 Elm Street Northeast, New Albin, IA 52160.
City of Postville	City Clerk's Office, 147 North Lawler Street, Postville, IA 52162.
City of Waterville	City Hall, 82 Main Street, Waterville, IA 52170.
City of Waukon	City Hall, 101 Allamakee Street, Waukon, IA 52172.
Unincorporated Areas of Allamakee County	Allamakee County Courthouse, 110 Allamakee Street, Waukon, IA 52172.
Clinton County, Iowa and Incorporated Areas Project: 16–07–2175S Preliminary Date: April 30, 2018	
City of Andover	Clinton County Satellite Offices, 226 11th Street, DeWitt, IA 52742.
City of Calamus	Clinton County Satellite Offices, 226 11th Street, DeWitt, IA 52742.
City of Camanche	City Hall, 818 7th Avenue, Camanche, IA 52730.
City of Charlotte	City Hall, 102 Charles Street, Charlotte, IA 52731.
City of Clinton	City Hall, 611 South 3rd Street, Clinton, IA 52732.
City of DeWitt	City Hall, 510 9th Street, DeWitt, IA 52742.
City of Goose Lake	City Hall, 1 School Lane, Goose Lake, IA 52750.
City of Grand Mound	City Hall, 615 Sunnyside Street, Grand Mound, IA 52751.
City of Lost Nation	City Hall, 410 Main Street, Lost Nation, IA 52254.
City of Low Moor	City Hall, 323 3rd Avenue, Low Moor, IA 52757.
City of Toronto	City Hall, 300 Mill Street, Toronto, IA 52777.
City of Welton	Clinton County Satellite Offices, 226 11th Street, DeWitt, IA 52742.
City of Wheatland	City Hall, 205 East Jefferson Street, Wheatland, IA 52777.
Unincorporated Areas of Clinton County	Clinton County Satellite Offices, 226 11th Street, DeWitt, IA 52742.
Delaware County, Iowa and Incorporated Areas Project: 16–07–2177S Preliminary Date: May 29, 2018	
City of Colesburg	City Hall, 317 Main Street, Colesburg, IA 52035.
City of Delaware	City Hall, 110 East Washington Street, Delaware, IA 52036.
City of Delhi	City Office, 316 Franklin Street, Delhi, IA 52223.
City of Dundee	Fire Station—Community Room, 115 North Center Street, Dundee, IA 52038.
City of Earlville	City Office, 12 East Southside Road, Earlville, IA 52041.
City of Greeley	City Hall, 210 West 3rd Street, Greeley, IA 52050.
City of Hopkinton	City Hall, 115 1st Street Southeast, Hopkinton, IA 52237.
City of Manchester	City Hall, 208 East Main Street, Manchester, IA 52057.
City of Masonville	City Hall, 606 Gordon Street, Masonville, IA 50654.
City of Ryan	City Hall, 405 Franklin Street, Ryan, IA 52330.
Unincorporated Areas of Delaware County	Delaware County Engineering Office, 2139 Highway 38, Manchester, IA 52057.
Jefferson County, Iowa and Incorporated Areas Project: 16–07–2304S Preliminary Date: May 29, 2018	
City of Batavia	City Hall, 304 Alto Street, Batavia, IA 52533.
City of Fairfield	City Hall, 118 South Main Street, Fairfield, IA 52556.
City of Maharishi Vedic City	City Hall, 1750 Maharishi Center Avenue, Maharishi Vedic City, IA 52556.

Community	Community map repository address
Unincorporated Areas of Jefferson County	Jefferson County Courthouse, 51 East Briggs Avenue, Fairfield, IA 52556.
Jones County, Iowa and Incorporated Areas Project: 16–07–2309S Preliminary Date: April 30, 2018	
City of Anamosa	City Hall, 107 South Ford Street, Anamosa, IA 52205.
City of Monticello	City Hall, 200 East 1st Street, Monticello, IA 52310.
City of Morley	City Hall, 507 Vine Street, Morley, IA 52312.
City of Olin	City Hall, 303 Jackson Street, Olin, IA 52320.
City of Oxford Junction	City Hall, 103 East Broadway Street, Oxford Junction, IA 52323.
City of Wyoming	City Hall, 141 West Main Street, Wyoming, IA 52362.
Unincorporated Areas of Jones County	Jones County Engineer's Office, 19501 Highway 64, Anamosa, IA 52205.

[FR Doc. 2019–03860 Filed 3–4–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002; Internal Agency Docket No. FEMA–B–1909]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 3, 2019.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1909, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be

identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Jackson Parish, Louisiana and Incorporated Areas Project: 17–06–1179S Preliminary Date: September 28, 2018	
Town of Chatham	Town Hall, 1709 Oak Street, Chatham, LA 71226.
Town of Eros	Town Hall, 9890 State Highway 34, Eros, LA 71238.
Town of Jonesboro	Town Hall, 128 Allen Avenue, Jonesboro, LA 71251.
Unincorporated Areas of Jackson Parish	Jackson Parish Court House, 500 East Court Street, Room 301, Jonesboro, LA 71251.
Village of Hodge	Village Hall, 4693 Quitman Highway, Hodge, LA 71247.
Village of North Hodge	Town Hall, 5204 Quitman Highway, North Hodge, LA 71247.
Village of Quitman	Village Hall, 8255 Quitman Highway, Quitman, LA 71268.
Winn Parish, Louisiana and Incorporated Areas Project: 17–06–1183S Preliminary Date: September 28, 2018	
City of Winnfield	City Hall, 120 East Main Street, Winnfield, LA 71483.
Town of Tullos	Town Hall, 9887 Main Street, Tullos, LA 71479.
Unincorporated Areas of Winn Parish	Winn Parish Courthouse, 119 West Main Street, Winnfield, LA 71483.
Village of Atlanta	Village Hall, 176 Collier Street, Atlanta, LA 71404.
Village of Calvin	Village Hall, 455 Elliott Avenue, Calvin, LA 71410.
Village of Dodson	Village Hall, 205 Gresham Street, Dodson, LA 71422.
Village of Sikes	Village Hall, 212 2nd Street, Sikes, LA 71473.
City of Baltimore, Maryland (Independent City) Project: 13–03–1975S Preliminary Date: December 26, 2018	
City of Baltimore	Department of Planning, 417 East Fayette Street, Baltimore, MD 21202.

[FR Doc. 2019–03872 Filed 3–4–19; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2007–0008]

National Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee management; request for applicants for appointment to the National Advisory Council.

SUMMARY: The Federal Emergency Management Agency (FEMA) requests that qualified individuals interested in serving on the FEMA National Advisory Council (NAC) apply for appointment as identified in this notice. Pursuant to the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), the NAC advises the FEMA Administrator on all aspects of emergency management to incorporate input from and ensure coordination with state, local, tribal, and territorial governments, and the non-governmental and private sectors on developing and revising national plans and strategies, the administration of and assessment of FEMA's grant programs, and the development and evaluation of risk assessment methodologies. The NAC consists of up to 35 members, all of whom are experts and leaders in their respective fields. FEMA seeks to appoint individuals to nine (9) discipline-specific positions on the NAC and up to three (3) members as Administrator Selections. If other positions open during the application and selection period, FEMA may select qualified candidates from the pool of applications.

DATES: FEMA will accept applications until 11:59 p.m. EDT on March 15, 2019.

ADDRESSES: The preferred method for application package submission is by email. Application packages may also be submitted by U.S. mail. Please submit by only one of the following methods:

- *Email: FEMA–NAC@fema.dhs.gov.* Save materials in one file using the naming convention, ''Last Name_First Name_NAC Application'' and attach to the email.
- *U.S. Mail:* Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3184.

The Office of the National Advisory Council will send you an email that confirms receipt of your application and will notify you of the final status of your application once FEMA selects new members.

FOR FURTHER INFORMATION CONTACT: Jasper Cooke, Designated Federal Officer, Office of the National Advisory Council, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472–3184; telephone (202) 646–2700; and email *FEMA-NAC@fema.dhs.gov.* For more information on the NAC, including membership application instructions, visit *http://www.fema.gov/national-advisory-council.*

SUPPLEMENTARY INFORMATION: The NAC is an advisory committee established in accordance with the provisions of the *Federal Advisory Committee Act* (FACA), 5 U.S.C. Appendix. As required by PKEMRA, the Secretary of Homeland Security established the NAC to ensure effective and ongoing coordination of

Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters. FEMA is requesting that individuals who are interested in and qualified to serve on the NAC apply for appointment to an open position in one of the following discipline areas: Disabilities, Access and Functional Needs (Representative), Elected State Government Official (Representative), Emergency Management (Representative), Emergency Medical Provider (Representative), Non-Elected Local Government Official (Representative), Non-Elected State Government Official (Representative), Public Health (Special Government Employee (SGE)), Standards Setting and Accrediting (Representative or Regular Government Employee (RGE)), and Ex Officio (RGE). The Administrator may appoint up to three (3) additional candidates to serve as FEMA Administrator Selections (as SGE appointments). For one of the Administrator's Selection positions, the Administrator may appoint an ''emerging leader'' in emergency management. This position is for an individual who has academic experience in emergency management, served in the FEMACorps program, is an alumnus of FEMA's Youth Preparedness Council, or has otherwise contributed to the field of emergency management as an emerging leader. You are encouraged to visit *https://www.fema.gov/membership-applications* for further information on expertise required to fill these positions. Appointments will be for three-year terms that start in September 2019.

The NAC Charter contains more information and can be found at: *https://www.fema.gov/media-library/assets/documents/35316.*

If you are interested, qualified, and want FEMA to consider appointing you to fill an open position on the NAC, please submit an application package to the Office of the NAC as listed in the **ADDRESSES** section of this notice. There is no application form; however, each application package MUST include the following information:

- *Cover letter, addressed to the Office of the NAC, that includes or indicates:* Current position title and employer or organization you represent, home and work addresses, and preferred telephone number and email address; the discipline area position(s) for which you are qualified; why you are interested in serving on the NAC; and how you heard about the solicitation for NAC members;
- Resume or Curriculum Vitae (CV); and
- One Letter of Recommendation addressed to the Office of the NAC.

Your application package must be eight (8) pages or less. Information contained in your application package should clearly indicate your qualifications to serve on the NAC and fill one of the current open positions. FEMA will not consider incomplete applications. FEMA will review the information contained in application packages and make selections based on: (1) Leadership attributes, (2) emergency management experience, (3) expert knowledge in discipline area, and (4) ability to meet NAC member expectations. FEMA will also consider overall NAC composition, including geographic diversity and mix of officials, emergency managers, and emergency response providers from state, local, and tribal governments, when selecting members.

Appointees may be designated as an SGE as defined in section 202(a) of title 18, United States Code, as a Representative member, or as an RGE. SGEs speak in a personal capacity as experts in their field and Representative members speak for the stakeholder group they represent. Candidates selected for appointment as SGEs are required to complete a new entrant Confidential Financial Disclosure Form (Office of Government Ethics (OGE) Form 450) each year. You can find this form at the Office of Government Ethics website (*http://www.oge.gov*). However, please do not submit this form with your application.

The NAC generally meets in person twice per year. FEMA does not pay NAC members for their time, but may reimburse travel expenses such as airfare, per diem to include hotel stays, and other transportation costs within federal travel guidelines when pre-approved by the Designated Federal Officer. NAC members must serve on one of the three NAC Subcommittees, which meet regularly by teleconference. FEMA estimates the total time commitment for subcommittee participation to be 1–2 hours per week (more for NAC leadership).

DHS does not discriminate on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. DHS strives to achieve a widely diverse candidate pool for all of its recruitment actions. Current DHS and FEMA employees, including FEMA Reservists, are not eligible for membership. Federally registered lobbyists may apply for positions designated as Representative appointments but are not eligible for positions that are designated as SGE appointments.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2019–03875 Filed 3–4–19; 8:45 am]

BILLING CODE 9111–48–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2019–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard

determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado: Garfield (FEMA Docket No.: B–1871).	City of Rifle (18–08–0695P).	Mr. Scott Hahn, Manager, City of Rifle, 202 Railroad Avenue, Rifle, CO 81650.	City Hall, 202 Railroad Avenue, Rifle, CO 81650.	Feb. 8, 2019	085078
Delaware: Kent (FEMA Docket No.: B–1866).	City of Dover (18–03–1850P).	The Honorable Robin R. Christiansen, Mayor, City of Dover, P.O. Box 475, Dover, DE 19903.	Department of Planning and Inspections, 15 Loockerman Plaza, Dover, DE 19901.	Jan. 29, 2019	100006
Florida:					
Collier (FEMA Docket No.: B–1866).	City of Marco Island (18–04–4433P).	The Honorable Jared Grifoni, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Feb. 1, 2019	120426
Lee (FEMA Docket No.: B–1863).	Town of Fort Myers Beach (18–04–4850P).	The Honorable Tracey Gore, Mayor, Town of Fort Myers Beach, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Community Development Department, 2525 Estero Boulevard, Fort Myers Beach, FL 33931.	Jan. 31, 2019	120673
Miami-Dade (FEMA Docket No.: B–1863).	City of Doral (18–04–3562P).	The Honorable Juan C. Bermudez, Mayor, City of Doral, 8401 NW 53rd Terrace, 2nd Floor, Doral, FL 33166.	City Hall, 8401 Northwest 53rd Terrace, Doral, FL 33166.	Jan. 31, 2019	120041
Miami-Dade (FEMA Docket No.: B–1866).	City of Miami (18–04–4671P).	The Honorable Francis Suarez, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, 4th Floor, Miami, FL 33130.	Feb. 13, 2019	120650
Monroe (FEMA Docket No.: B–1863).	Unincorporated areas of Monroe County (18–04–4672P).	The Honorable David Rice, Mayor, Monroe County Board of Commissioners, 9400 Overseas Highway, Suite 210, Marathon, FL 33050.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Jan. 28, 2019	125129
Monroe (FEMA Docket No.: B–1866).	Village of Islamorada (18–04–5780P).	The Honorable Chris Sante, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Planning and Development Department, 86800 Overseas Highway, Islamorada, FL 33036.	Feb. 7, 2019	120424
Orange (FEMA Docket No.: B–1866).	City of Orlando (18–04–3956P).	The Honorable Buddy W. Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	Feb. 1, 2019	120186

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Osceola (FEMA Docket No.: B–1866).	City of St. Cloud (18–04–5710P).	Mr. Bill Sturgeon, Manager, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	Public Services Department, 1300 9th Street, St. Cloud, FL 34769.	Feb. 7, 2019	120191
Pinellas (FEMA Docket No.: B–1863).	City of St. Petersburg (18–04–5337P).	The Honorable Rick Kriseman, Mayor, City of St. Petersburg, 175 5th Street North, St. Petersburg, FL 33701.	Construction Services and Permitting Department, 1 4th Street North, St. Petersburg, FL 33701.	Jan. 28, 2019	125148
Georgia: Henry (FEMA Docket No.: B–1863).	Unincorporated areas of Henry County (18–04–3824P).	The Honorable June Wood, Chair, Henry County Board of Commissioners, 140 Henry Parkway, McDonough, GA 30253.	Henry County Stormwater Department, 347 Phillips Drive, McDonough, GA 30253.	Jan. 31, 2019	130468
Louisiana: Lafayette (FEMA Docket No.: B–1866).	Unincorporated areas of Lafayette Parish (18–06–3630P).	The Honorable Joel Robideaux, Mayor-President Lafayette Consolidated, Government, P.O. Box 4017–C, Lafayette, LA 70502.	Lafayette Parish Department of Planning and Development, 220 West Willow Street, Building B, Lafayette, LA 70501.	Feb. 1, 2019	220101
Maine: York (FEMA Docket No.: B–1866).	City of Saco (18–01–0986P).	The Honorable Marston D. Lovell, Mayor, City of Saco, 300 Main Street, Saco, ME 04072.	City Hall, 300 Main Street, Saco, ME 04072.	Feb. 4, 2019	230155
New Mexico: Bernalillo (FEMA Docket No.: B–1866).	City of Albuquerque (18–06–1705P).	The Honorable Timothy M. Keller, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Planning Department, 600 2nd Street Northwest, Albuquerque, NM 87102.	Feb. 8, 2019	350002
North Carolina:, Franklin (FEMA Docket No.: B–1866).	Unincorporated areas of Franklin County (18–04–5161P).	Ms. Angela L. Harris, Manager, Franklin County, 113 Market Street, Louisburg, NC 27549.	Franklin County Planning and Inspections Department, 215 East Nash Street, Louisburg, NC 27549.	Feb. 1, 2019	370377
Oklahoma:					
Pottawatomie (FEMA Docket No.: B–1866).	City of McLoud (17–06–1163P).	The Honorable Stan Jackson, Mayor, City of McLoud, P.O. Box 300, McLoud, OK 74851.	Pottawatomie County Commissioner's Office, 14101 Acme Road, Shawnee, OK 74801.	Jan. 30, 2019	400398
Pottawatomie (FEMA Docket No.: B–1866).	Unincorporated areas of Pottawatomie County (17–06–1163P).	The Honorable John G. Canavan, Jr., Pottawatomie County Judge, 325 North Broadway Avenue, Shawnee, OK 74801.	Pottawatomie County Commissioner's Office, 14101 Acme Road, Shawnee, OK 74801.	Jan. 30, 2019	400496
Texas:					
Bexar (FEMA Docket No.: B–1871).	City of San Antonio (18–06–0893P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Feb. 4, 2019	480045
Bexar (FEMA Docket No.: B–1866).	Unincorporated areas of Bexar County (18–06–1356P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva, 10th Floor, San Antonio, TX 78205.	Bexar County Department of Public Works, 233 North Pecos, Suite 420, San Antonio, TX 78207.	Jan. 28, 2019	480035
Bexar (FEMA Docket No.: B–1866).	Unincorporated areas of Bexar County (18–06–1991P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva, 10th Floor, San Antonio, TX 78205.	Bexar County Department of Public Works, 233 North Pecos, Suite 420, San Antonio, TX 78207.	Jan. 28, 2019	480035
Denton (FEMA Docket No.: B–1866).	City of Justin (18–06–1570P).	The Honorable David Wilson, Mayor, City of Justin, P.O. Box 129, Justin, TX 76247.	Planning and Zoning Department, 415 North College Avenue, Justin, TX 76247.	Feb. 7, 2019	480778

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Denton (FEMA Docket No.: B–1866).	Unincorporated areas of Denton County (18–06–1570P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Public Works Engineering Department, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	Feb. 7, 2019	480774
Harris (FEMA Docket No.: B–1866).	City of Baytown (18–06–2955P).	The Honorable Stephen DonCarlos, Mayor, City of Baytown, P.O. Box 424, Baytown, TX 77522.	Engineering Department, 2123 Market Street, Baytown, TX 77522.	Jan. 22, 2019	485456
Harris (FEMA Docket No.: B–1866).	Unincorporated areas of Harris County (18–06–0277P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Jan. 28, 2019	480287
Harris (FEMA Docket No.: B–1871).	Unincorporated areas of Harris County (18–06–2182P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Feb 4, 2019	480287
Harris (FEMA Docket No.: B–1866).	Unincorporated areas of Harris County (18–06–2955P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Jan. 22, 2019	480287
Utah: Washington (FEMA Docket No.: B–1866).	City of St. George (18–08–0374P).	The Honorable Jonathan T. Pike, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	Feb. 4, 2019	490177

[FR Doc. 2019–03863 Filed 3–4–19; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0072]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Suspension of Deportation or Special Rule Cancellation of Removal

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 4, 2019.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0072 in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on December 03, 2018, at 83 FR 62338, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0077 in the search box. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Sec. 203 of Pub. L. 105–100).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–881; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–881 is used by a nonimmigrant to apply for suspension of deportation or special rule cancellation of removal. The information collected on this form is necessary in order for USCIS to determine if it has jurisdiction over an individual applying for this release as well as to elicit information regarding the eligibility of an individual applying for release.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–881 is 520 and the estimated hour burden per response is 12 hours per response; the estimated number of respondents providing biometrics is 858 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 7,243.86 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $258,505.52.

Dated: February 27, 2019.

Samantha L Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2019–03910 Filed 3–4–19; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2019–N013; FXES11130800000–179–FF08E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before April 4, 2019.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX).

- *Email: permitsr8es@fws.gov.*
- *U.S. Mail:* Daniel Marquez, Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, via phone at 760–431–9440, via email at *permitsr8es@fws.gov,* or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–806679	Spring Rivers Ecological Sciences, Cassel, California.	• Shasta crayfish (*Pacifastacus fortis*)	CA	Survey, capture, handle, collect tissue, sacrifice, restore habitat, and translocate.	Translocation, habitat restoration, surveys.	Renew and amend.

Application No.	Applicant, city, state	Species	Location	Activity	Type of take	Permit action
TE–095868	David Kisner, Orcutt, California.	• Southwestern willow flycatcher (*Empidonax traillii extimus*), • Least Bell's vireo (*Vireo belli pusillus*)	CA	Survey, capture, handle, band, and release.	Surveys and banding	Renew and amend.
TE–100006	Freeman Biological, Crescent City, California.	• San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).	CA	Survey, capture, handle, and release.	Surveys	Renew.
TE–800291	Anne Wallace, Nevada City, California.	• California least tern (*Sternula antillarum browni* (*Sterna a. browni*)), • California clapper rail (*Rallus longirostris obsoletus*), • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey, capture, handle, release, and monitor nests.	Surveys and nest monitoring.	Renew.
TE–40218B	John Kunna, Point Richmond, California.	• San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Survey, capture, handle, and release.	Surveys	Renew.
TE–20186A	Garrett Huffman, Black Canyon City, Arizona.	• San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Surveys, capture, handling, release, and collecting vouchers.	Renew.
TE–20280D	Stephanie Cashin, Anaheim, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Surveys, capture, handling, release, collecting vouchers, and hydrating eggs for identification.	New.
TE–075112	Gregory Chatman, Ashton, Idaho.	• Quino checkerspot butterfly (*Euphydryas editha quino*).	CA	Survey	Surveys	Renew.
TE–85618B	Christopher Bronny, Folsom, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Surveys, capture, handling, release, and collecting vouchers.	Amend.
TE–038716	Frank Wegscheider, Orange, California.	• Conservancy fairy shrimp (*Branchinecta conservatio*), • Longhorn fairy shrimp (*Branchinecta longiantenna*), • San Diego fairy shrimp (*Branchinecta sandiegonensis*), • Riverside fairy shrimp (*Streptocephalus woottoni*), • Vernal pool tadpole shrimp (*Lepidurus packardi*).	CA	Survey	Surveys, capture, handling, release, collecting vouchers, and hydrating eggs for identification.	Renew.
TE–076257	County of San Luis Obispo Public Works, San Luis Obispo, California.	• Morro shoulderband (=Banded dune) snail (*Helminthoglypta walkeriana*).	CA	Survey, capture, handle, and release.	Surveys	Renew.
TE–13639B	Anastasia Ennis, Oakland, California.	• Salt marsh harvest mouse (*Reithrodontomys raviventris*),	CA	Surveys	Surveys	Renew.
TE–107075	Steven Powell, Orinda, California.	• Salt marsh harvest mouse (*Reithrodontomys raviventris*), • San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), • California tiger salamander (Santa Barbara County and Sonoma County Distinct Population Segment (DPS)) (*Ambystoma californiense*).	CA	Surveys	Surveys	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves

as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Angela Picco,

Acting Chief of Ecological Services, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2019–03906 Filed 3–4–19; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2018–N120; FXGO1664091HCC0–FF09D00000–189]

Hunting and Shooting Sports Conservation Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Hunting and Shooting Sports Conservation Council (Council), in accordance with the Federal Advisory Committee Act. The Council's purpose is to provide recommendations to the Federal Government, through the Secretary of the Interior and the Secretary of Agriculture, regarding policies and endeavors that benefit wildlife resources; encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and benefit recreational hunting and recreational shooting sports.

DATES: *Meeting:* Thursday, March 21, 2019, from 8:30 a.m. to 4:00 p.m. The meeting is open to the public. *Deadline for Attendance or Participation:* For security purposes, signup or request for accommodations is required no later than March 15, 2019. For more information, contact the Council Designated Federal Officer (**FOR FURTHER INFORMATION CONTACT**). For more information regarding participation during the meeting, see Public Input under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: *Meeting Location:* United States Department of Agriculture, 1400 Jefferson Dr. SW, Washington, DC 20250.

Comment Submission: You may submit written comments in advance of the meeting by emailing them to the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, Designated Federal Officer, HSSCC, by telephone at 703–358–2336, or by email at *doug_hobbs@fws.gov*. The U.S. Fish and Wildlife Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpretation service, closed captioning, or other accommodations to Douglas Hobbs by close of business on Wednesday, March 13, 2019. If you are hearing impaired or speech impaired, contact Douglas Hobbs via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce a public meeting of the Hunting and Shooting Sports Conservation Council (Council). The Council was established to further the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd), other Acts applicable to specific bureaus, and Executive Order 13443 (August 17, 2007), ''Facilitation of Hunting Heritage and Wildlife Conservation.'' The Council's membership is composed of 18 discretionary members. The HSSCC's purpose is to provide recommendations to the Federal Government, through the Secretary of the Interior and the Secretary of Agriculture, regarding policies and endeavors that (a) benefit wildlife resources; (b) encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and (c) benefit recreational hunting and recreational shooting sports.

Meeting Agenda

- Overview and update on the implementation of outdoor recreation Secretarial Orders.
- Update from the Department of the Interior and Department of Agriculture and bureaus from both agencies regarding efforts to create or expand hunting and recreational shooting opportunities on Federal lands.
- Hunting and Shooting Sports Conservation Council subcommittee reports.
- Consideration of subcommittee reports and discussion of possible recommendations.
- Other miscellaneous Council business.
- Public comment period.

The final agenda and other related meeting information will be posted on the Council website at *http://www.fws.gov/hsscc.* The Designated Federal Officer will maintain detailed minutes of the meeting, which will be posted for public inspection within 90 days after the meeting at *http://www.fws.gov/hsscc.*

Public Input

If you wish to	You must contact the Council Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	March 15, 2019.
Submit written information before the meeting for the Council to consider during the meeting	March 15, 2019.
Give an oral presentation during the public comment period	March 15, 2019.

Submitting Written Information

Interested members of the public may submit relevant information for the Council to consider during the public meeting. Written statements must be received by the date in Public Input, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Designated Federal Officer in the following formats: One hard copy with original signature, and/or one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Depending on the number of people wishing to comment and the time available, the amount of time for

individual oral comments may be limited. Interested parties should contact the Council Designated Federal Officer, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), for advance placement on the public speaker list for this meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Designated Federal Officer up to 30 days following the meeting. Requests to address the Council during the public comment period will be accommodated in the order the requests are received.

Availability of Public Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: Federal Advisory Committee Act (5 U.S.C. Appendix 2).

Dated: February 27, 2019.

Margaret E. Everson

Principal Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director for the U.S. Fish and Wildlife Service.

[FR Doc. 2019–03922 Filed 3–4–19; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1144]

Certain Dental and Orthodontic Scanners and Software; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 10, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Align Technology, Inc. of San Jose, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dental and orthodontic scanners and software by reason of infringement of certain claims of U.S. Patent No. 9,299,192 (''the '192 patent''); U.S. Patent No. 7,077,647 (''the '647 patent''); U.S. Patent No. 7,156,661 (''the '661 patent''); U.S. Patent No. 9,848,958 (''the '958 patent''); and U.S. Patent No. 8,102,538 (''the '538 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 27, 2019, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–32 of the '192 patent; claims 1–13 and 18–21 of the '647 patent; claims 1–9 and 19–26 of the '661 patent; claims 1–20 of the '958 patent; and claims 1 and 2 of the '538 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''dental and orthodontic scanners and software that provide a digital impression of a patient's dentition and related dental and orthodontic software design tools'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Align Technology, Inc., 2820 Orchard Parkway, San Jose, CA 95134.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

3Shape A/S, Holmens Kanal 7, 1060 Copenhagen K, Denmark.

3Shape, Inc., 10 Independence Boulevard, Suite 150, Warren, NJ 07059.

3Shape Trios A/S, Holmens Kanal 7, 1060 Copenhagen K, Denmark.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the

allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 27, 2019.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2019–03861 Filed 3–4–19; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–19–003]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 12, 2019 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.

2. Minutes.

3. Ratification List.

4. Vote on Inv. Nos. 701–TA–365–366 and 731–TA–734–735 (Fourth Review)(Certain Pasta from Italy and Turkey). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 26, 2019.

5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier announcement of this meeting was not possible.

By order of the Commission.

Issued: February 28, 2019.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2019–04003 Filed 3–1–19; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–486 and 731–TA–1195–1196 (Review)]

Utility Scale Wind Towers From China and Vietnam; Cancellation of Hearing for Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: February 25, 2019.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On September 7, 2018, the Commission established a schedule for the conduct of the full five-year reviews (83 FR 46516, September 13, 2018). Effective February 4, 2019, the Commission revised its schedule due to the lapse in appropriations and ensuing cessation of Commission operations (84 FR 2926, February 8, 2019). Pursuant to the schedule, the domestic interested party submitted the sole prehearing brief, and a request to appear at the Commission hearing scheduled for February 28, 2019. No other party has entered an appearance in these reviews. Subsequently, noting that no other party requested to appear at the hearing, counsel for the domestic interested party filed a request to cancel the hearing. Counsel indicated a willingness to submit written responses to any Commission questions in lieu of an actual hearing. Consequently, the public hearing in connection with these reviews, scheduled to begin at 9:30 a.m. on Thursday, February 28, 2019, at the U.S. International Trade Commission Building, is cancelled. Parties to these reviews should respond to any written questions posed by the Commission in their posthearing briefs, which are due to be filed on March 7, 2019.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 28, 2019.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2019–03903 Filed 3–4–19; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Civil Procedure

AGENCY: Advisory Committee on Rules of Civil Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a meeting on April 2–3, 2019. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES AND TIMES: April 2, 2019—1:30 p.m.–5:00 p.m. April 3, 2019—9:00 a.m.–3:00 p.m.

ADDRESSES: Hyatt Regency Riverwalk, 123 Losoya, San Antonio, Texas 78205.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 28, 2019.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2019–03939 Filed 3–4–19; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Bankruptcy Procedure

AGENCY: Advisory Committee on Rules of Bankruptcy Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure will hold a meeting on April 4, 2019. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: April 4, 2019.

Time: 9:00 a.m.–5:00 p.m.

ADDRESSES: Hyatt Regency Riverwalk, 123 Losoya, San Antonio, Texas 78205.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 28, 2019.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2019–03938 Filed 3–4–19; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Committee on Rules of Appellate Procedure

AGENCY: Advisory Committee on Rules of Appellate Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a meeting on April 5, 2019. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: April 5, 2019.

Time: 9:00 a.m.—5:00 p.m.

ADDRESSES: Hyatt Regency Riverwalk, 123 Losoya, San Antonio, Texas 78205.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 28, 2019.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2019–03937 Filed 3–4–19; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Execution of Rendezvous and Servicing Operations

Notice is hereby given that, on January 28, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Execution of Rendezvous and Servicing Operations (''CONFERS'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Atomos Nuclear and Space Corporation, Denver, CO; Blu Haptics, Inc. d/b/a Olis Robotics, Seattle, WA; Cislunar Space Development Company, Annandale, VA; Effective-Space, London, UNITED KINGDOM; Orbit Fab, Santa Clara, CA; SES Government Solutions, Inc., Reston, VA; Space Logistics, Dulles, VA; SSL, A Maxar Technologies Company, Westminister, CO; and Tethers Unlimited, Bothell, WA, have been added as parties to this venture.

Also, the following member has changed its name: XL Catlin to AXA XL, LLC, New York, NY.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CONFERS intends to file additional written notifications disclosing all changes in membership.

On September 10, 2018, CONFERS filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 19, 2018 (83 FR 53106).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–03876 Filed 3–4–19; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cable Television Laboratories, Inc.

Notice is hereby given that, on February 14, 2019, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Cable Television Laboratories, Inc. (''CableLabs'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ziggo B.V., Utrecht, NETHERLANDS; and CableVideo Digital S.A., Buenos Aires, ARGENTINA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CableLabs intends to file additional written notifications disclosing all changes in membership.

On August 8, 1988, CableLabs filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 7, 1988 (53 FR 34593).

The last notification was filed with the Department on September 26, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 16, 2018 (83 FR 52233).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2019–03877 Filed 3–4–19; 8:45 am]

BILLING CODE 4410–11–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received and permit issued.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8224; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation (NSF), as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection.

1. NSF issued a permit (ACA 2018–027) to Bradford Clement on January 2, 2018. The issued permit allows the permit holder to conduct activities associated with conducting four International Ocean Discovery Program (IODP) expeditions in the Antarctic and Southern Ocean waters. The permit holder is permitted to release or potentially release beacon weights, drilling mud, rotary core barrel coring bits, free fall funnels/re-entry cones, borehole casing, wiper pigs, and small amounts of fluorescent microspheres as a result of the normal operations of the JOIDES Resolution ocean drilling ship. Other standard hardware lowered below or over the side of the vessel would be retrieved, but may be subject to unintentional release.

Now the applicant proposes a permit modification to add the use of perfluorocarbon tracers (PFTs), which are nontoxic and inert, to facilitate microbiological analyses of the cores. PFTs would be introduced into the drilling process by pumping them into the drilling fluid at a constant concentration of 1 mg/L. PFT use would be conducted on select holes or during parts of the coring process as dictated by the science party. PFTs used would be perfluoromethylcyclohexane (PMCH) or perfluoromethyldecalin (PFMD) depending on availability and/or preference of the science party. The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

Dates of Permitted Activities: December 21, 2018–July 20, 2019.

The permit modification was issued on December 21, 2018.

2. NSF issued a permit (ACA 2015–011) to Ari Friedlaender on December 3, 2014. The issued permit allows the permit holder to take biopsy samples and photographs for identification of humpback (n=200 biopsy & photo-ID), Antarctic minke (n=50 biopsy; 200 photo-ID), killer (n=50; 200 photo-ID), and Arnoux's beaked (n=50; 200 photo-ID) whales in the Southern Ocean. The permit also allowed for 10 satellite-tagging takes of humpback whales.

A modification to this permit, dated December 31, 2015, allowed the permit holder to increase the number of satellite-tagging takes of humpback whales to 20 and to add 10 dart tag takes and 20 suction cup tag takes for both humpbacks and Antarctic minke whales.

Another modification, dated March 27, 2018, allowed increased biopsy takes to 250 for all four whale species listed on the original permit. Of those 250 biopsy takes, 50 would be associated with approaches that would also include tagging and the remaining 200 biopsy takes would occur during approaches that do not involve tagging. The modification also increased the number of dart tag takes of humpback whales (from 10 to 30) and Antarctic minke whales (from 10 to 20) and increase the number of suction cup tagging takes of Antarctic minke whales from 20 to 30. In addition, the permit holder was allowed takes for dart tagging (n=10) and suction cup tagging (n=40) of Arnoux's beaked whales as well as 50 suction cup tagging takes for killer whales. Finally, the permit holder added southern right whales to his ACA permit and is requesting 250 biopsy takes, 200 photo-ID takes, and 50 suction cup tagging takes for this species.

Now, the permit holder has requested an extension of the permit expiration date with the new expiry date of March 31, 2019. This ACA permit modification would be consistent with the expiration date of the National Marine Fisheries Service Permit No. 14809–03 on which the ACA permit holder is an approved Co-Investigator.

The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact. The permit holder is hereby authorized to conduct permitted activities until March 31, 2019.

Please note that the permit holder sought and was granted this expiration date extension in December 2018, prior to the original permit expiration of December 31, 2018. As such, there was no lapse in permitting of allowed activities. The formal issuance of this modification was delayed by the lapse in federal government appropriations and completed upon resumption of government operations on January 28, 2019.

Dates of Permitted Activities: January 1–March 31, 2019.

The permit modification was issued on January 28, 2019.

3. NSF issued a waste management permit to Brandon Harvey, Director, Expedition Operations, Polar Latitudes, Inc. on November 2, 2017. Under that permit (ACA #2018–015), Polar Latitudes was permitted to conduct waste management activities associated with coastal camping and operating remotely piloted aircraft systems (RPAS) In the Antarctic Peninsula region. Coastal overnight camping of no more than 30 campers and two expedition staff for a maximum of 10 hours ashore. Camping must be away from vegetated sites and at least 150 meters from wildlife concentrations or lakes, protected areas, historical sites, and scientific stations. The permit holder engages experienced pilots to fly small, battery-operated, remotely controlled quadcopter equipped with cameras to capture aerial footage for commercial and educational uses. The permit expires March 30, 2022.

On September 4, 2018, Polar Latitudes provided NSF an update (attached) based on activities planned for the 2018–2019 field season. The activities are the same or similar as those detailed in the original permit. Hayley Shephard now holds the position of Director of Expedition Operations. In addition, coastal camping should no longer occur in close proximity to Almirante Brown/Brown Base.

Now the permit holder is requesting a modification of the permit to cover accidental releases that may result from the conduct of whale-tagging and environmental sampling research activities aboard the MS ISLAND SKY, March 5–12, 2019. The research, led by Daniel Zitterbart as part of an

expedition within an expedition, would involve equipment including whale tags, a carbon-fiber pole, an echosounder, a small tow net, a CTD instrument, and a hydrophone. The intent would be to deploy and retrieve all equipment during the course of the research.

The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact. The permit holder is hereby authorized to conduct waste management activities associated with whale-tagging research on the MS ISLAND SKY in March 2019.

Dates of Permitted Activities: March 5–12, 2019.

The permit modification was issued on February 25, 2019.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2019–03870 Filed 3–4–19; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On October 24, 2018, the National Science Foundation published a notice in the **Federal Register** of permit applications received. The permits were issued on December 3 and 21, 2018, respectively, to:

1. Mark Salvatore—Permit No. 2019–010
2. Zicheng Yu—Permit No. 2019–009

On November 27, 2018, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on January 28, 2019 to:

1. Robin West, Seabourn Cruise Line, Ltd.—Permit No. 2019–015

On December 31, 2018, the National Science Foundation published a notice in the **Federal Register** of permit applications received. The permits were issued on February 6 and 15, 2019, respectively, to:

1. Michelle Shero—Permit No. 2019–014
2. Kim Bernard—Permit No. 2019–013

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2019–03871 Filed 3–4–19; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Planning and Procedures

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 7, 2019, at the U.S. Nuclear Regulatory Commission, Two White Flint North, Conference Room T3D50, 11545 Rockville Pike, Rockville, MD 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, March 7, 2019—11:30 a.m. Until 12:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. The public bridgeline number for the meeting is 866–822–3032, passcode 8272423. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on December 7, 2018 (83 FR 26506).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with Security, please contact Paula Dorm (Telephone 301–415–7799) to be escorted to the meeting room.

Dated: February 27, 2019.

Mark Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2019–03897 Filed 3–4–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0044]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 and Diablo Canyon Nuclear Power Plant, Units 1 and 2. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration. Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by April 4, 2019. A request for a hearing must be filed by May 6, 2019. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by March 15, 2019.

ADDRESSES: You may submit comments by any of the following methods

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0044. Address questions about Docket IDs in *http://www.regulations.gov* to Krupskaya Castellon; telephone: 301–287–9221; email: *Krupskaya.Castellon@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.
- For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2242; email: *Paula.Blechman@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0044, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2019–0044.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2019–0044 facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the

action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be

submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: November 20, 2018. A publicly-available version is in ADAMS under Accession No. ML18334A267.

Description of amendment request: This amendment request contains SUNSI. The proposed amendment would apply leak before break (LBB) methodology to piping for the Accumulator, Residual Heat Removal, and Safety Injection systems at CNP Unit No. 2 by a modification to CNP Unit No. 2 Technical Specification (TS) 3.4.13, ''RCS [Reactor Coolant System] Operational LEAKAGE,'' to change the limits for unidentified leakage from less than or equal to 1 gallon per minute (gpm) to less than or equal to 0.8 gpm. In addition, frequency of air grab samples in CNP Unit No. 2 TS 3.4.15, ''RCS Leakage Detection Instrumentation,'' would be modified for application of the LBB methodology. The proposed amendment would also change CNP Unit Nos. 1 and 2, TS 3.4.15, ''RCS Leakage Detection Instrumentation,'' to delete the containment humidity monitor from the limiting condition of operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Overall protection system performance will remain within the bounds of the previously performed accident analyses. The design of the protection systems will be unaffected. The reactor protection system and engineered safety feature actuation system will continue to function in a manner consistent with the plant design basis. All design, material and construction standards that were applicable prior to the request are maintained.

For CNP, Unit 2, the bounding accident for pipe breaks is a Large Break Loss of Coolant Accident (LBLOCA). Since the application of the LBB analysis verifies the integrity of the piping attached to the reactor coolant system, the probability of a previously evaluated accident is not increased. The consequences of a LBLOCA have been previously evaluated and found to be acceptable. The application of the LBB analysis will cause no change in the dose analysis associated with a LBLOCA, and therefore, does not affect the consequences of an accident.

The proposed amendment will not alter any assumptions or change any mitigation actions in the radiological consequence

evaluations in the Updated Final Safety Analysis Report (UFSAR).

The proposed change to TS 3.4.15 removes the requirement for containment humidity monitor instrumentation. The occurrence of RCS [reactor coolant system] leakage will continue to be monitored by the remaining required instrumentation, the atmosphere radioactive particulate and gaseous monitors and containment sump monitors. The monitoring of RCS leakage is not a precursor to any accident previously evaluated. The monitoring of RCS leakage is not used to mitigate the consequences of any accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. All systems, structures, and components previously required for the mitigation of an event remain capable of fulfilling their intended design function. The proposed change has no adverse effects on any safety-related systems or components and does not challenge the performance or integrity of any safety-related systems. Further, there are no changes in the method by which any safety-related plant system performs its safety function.

The proposed change to TS 3.4.15 allows for the removal of the containment humidity monitor as a RCS leakage detection instrument, which does involve a physical alteration of the plant, but no new or different type of equipment will be installed as a replacement. This change does not involve a change in the methods governing normal plant operation. The proposed change maintains sufficient continuity and diversity of leak detection capability that the probability of piping evaluated and approved for LBB progressing to pipe rupture remains extremely low.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the ability of the fission product barriers to perform their design functions during and following accident conditions. These barriers include the fuel cladding, the reactor coolant system, and the containment. The proposed amendment request does not involve change to any of these barriers.

The proposed change does not involve a significant reduction in a margin of safety because adoption of LBB methodology does not reduce the margin of safety that exists in the present CNP TS or UFSAR. The operability requirements of the TS are consistent with the initial condition assumptions of the safety analyses.

This proposed amendment uses LBB technology combined with leakage monitoring to show that it is acceptable to exclude the dynamic effects associated with postulated pipe ruptures from the licensing basis for the systems evaluated that are attached to the RCS. The CNP analysis demonstrates that the LBB margins discussed in NUREG–1601, Volume 3 are satisfied.

The proposed change to TS 3.4.15 removes the containment humidity monitor instrument from the operability requirements for the RCS leakage detection instrumentation. Although one less instrument is available as a method of RCS leakage detection, there are a sufficient number and types of other RCS leakage detection instruments that would detect leakage at a lower threshold. Additionally, alternate instrumentation for containment pressure and temperature is available for backup indication of RCS leakage. Therefore, RCS leakage will continue to be detected with a similar level of sensitivity before a gross failure would occur in the RCS pressure boundary.

Therefore, it is concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Robert B. Haemer, Senior Nuclear Counsel, One Cook Place, Bridgman, MI 49106.

NRC Branch Chief: David J. Wrona.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, San Luis Obispo County, California

Date of amendment request: December 26, 2018. A publicly-available version is in ADAMS under Accession No. ML19003A196.

Description of amendment request: This amendment request contains SUNSI. The proposed amendment would revise DCPP Units 1 and 2 Technical Specification (TS) 5.6.5b, ''Core Operating Limits Report (COLR),'' to replace the existing NRC-approved loss-of-coolant accident (LOCA) methodologies with the NRC-approved LOCA methodology contained in WCAP–16996–P–A, Revision 1, ''Realistic LOCA Evaluation Methodology Applied to the Full Spectrum of Break Sizes (FULL SPECTRUM LOCA Methodology)'' (ADAMS Package Accession No. ML17277A130).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises TS 5.6.5b to replace the current NRC-approved LOCA methodologies listed in TS 5.6.5b with another NRC-approved methodology contained in WCAP–16996–P–A, Rev. 1, ''Realistic LOCA Evaluation Methodology Applied to the Full Spectrum of Break Sizes (FULL SPECTRUM LOCA Methodology).''

The proposed changes to the TS 5.6.5b core operating limits methodologies, consists of replacing the current five LOCA methodologies with a newer, single NRC-approved methodology (the FSLOCA EM [Full Spectrum LOCA Evaluation Model]). The NRC review of the FSLOCA EM concluded that the analytical methods are acceptable as a replacement for the current LOCA analytical methods listed in TS 5.6.5b.

The proposed change does not affect the design or function of any plant structures, systems, and components (SSCs). Thus, the proposed change does not affect plant operation, design features, or the capability of any SSC to perform its safety function. In addition, the proposed change does not affect any previously evaluated accidents in the UFSAR, or any SSCs, operating procedures, and administrative controls that have the function of preventing or mitigating any accident previously evaluated in the UFSAR. Thus, the proposed use of the FSLOCA EM will continue to assure that the plant operates in the same safe manner as before and will not involve an increase in the probability of an accident.

The analyses results determined by use of the proposed new methodology will not increase the reactor power level or the core fission product inventory, and will not change any transport assumptions or the shutdown margin requirements of the DCPP TS. As such, DCPP will continue to operate within the power distribution limits and shutdown margins required by the TS and within the assumptions of the safety analyses described in the UFSAR. As such, the proposed changes do not involve a significant increase in the consequences of an accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change revises TS 5.6.5b to replace the current NRC-approved LOCA methodologies listed in TS 5.6.5b with a single, newer NRC-approved methodology contained in WCAP–16996–P–A, Rev. 1, ''Realistic LOCA Evaluation Methodology Applied to the Full Spectrum of Break Sizes (FULL SPECTRUM LOCA Methodology).'' The NRC review of the FSLOCA EM concluded that the analytical methods are acceptable as a replacement for the current LOCA analytical methods listed in TS 5.6.5b.

The proposed change provides revised analytical methods and does not change any system functions or maintenance activities. The change does not involve physical alteration of the plant; that is, no new or different type of equipment will be installed. The change does not impact the ability of any SSC to perform its safety function consistent with the assu[m]ptions of the safety analyses and continues to assure the plant is operated within safe limits. As such, the proposed change does not create new failure modes or mechanisms that are not identifiable during testing, and no new accident precursors are generated.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. The proposed change does not physically alter safety-related systems, nor does it affect the way in which safety-related systems perform their functions. The setpoints at which protective actions are initiated are not altered by the proposed changes. Therefore, sufficient equipment remains available to actuate upon demand for the purpose of mitigating an analyzed event. The NRC has reviewed and approved the new methodology for the intended use in lieu of the current methodologies; thus, the margin of safety is not reduced due to this change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, 77 Beale Street, Mail Code B30A, San Francisco, CA 94105.

NRC Branch Chief: Robert J. Pascarelli.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this *Federal Register* notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a) or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 11th day of February, 2019.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to SUNSI with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	NRC staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2019–02418 Filed 3–4–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

REVISED 661st Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on March 7–8, 2019, Two White Flint North, 11545 Rockville Pike, Conference Room T3D50, Rockville, MD 20852.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Thursday, March 7, 2019, Conference Room T3D50

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–11:30 a.m.: NuScale Safety Evaluation Report with Open Items for Chapters 13 and 18 (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the identified chapters. [Note: This session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

12:30 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [NOTE: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]. [NOTE: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Friday, March 8, 2019, Conference Room T3D50

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]. [NOTE: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

10:15 a.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on December 7, 2018 (83 FR 26506). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience. The bridgeline number for the meeting is 866–822–3032, passcode 8272423#.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Ms. Paula Dorm, ACRS Audio Visual Technician (301–415–7799), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: February 28, 2019.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2019–03898 Filed 3–4–19; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0126]

Physical Security

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-final section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing final Revision 4 to Section 13.6, ''Physical Security'' of NUREG–0800, ''Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.''

DATES: The date of this SRP update is March 5, 2019.

ADDRESSES: Please refer to Docket ID NRC–2016–0126 when contacting the NRC about the availability of information regarding this document.

You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking website: Go to http://www.regulations.gov* and search for Docket ID NRC–2016–0126. Address questions about NRC docket IDs in *Regulations.gov* to Krupskaya Castellon; telephone: 301–287–9221; email: *Krupskaya.Castellon@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*. The final revision to SRP 13.6 is available in ADAMS under Accession No. ML18344A041.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, U. S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 11, 2018 (83 FR 45992), the NRC published for public comment a proposed revision of Section 13.6, ''Physical Security'' of NUREG–0800, ''Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The public comment period closed on November 13, 2018. No public comments were received concerning Revision 4 of SRP 13.6.

II. Backfitting and Issue Finality

Chapter 13 of the SRP provides guidance to the staff for conduct of operations under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR). Section 13.6 of the SRP provides an introduction for the remainder of the Chapter 13 SRP sections addressing physical security for the review of combined license (COL), early site permit (ESP), standard design certification, and operating license (OL) applications and amendments for physical security.

Issuance of this SRP section revision does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations:

1. *The SRP positions do not constitute backfitting, inasmuch as the SRP is guidance direct to the NRC staff with respect to its regulatory responsibilities.*

The SRP provides guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109(a)(1) or involve the issue finality provisions of 10 CFR part 52.

2. Backfitting and issue finality—with certain exceptions discussed belowe—do not apply to current or future applicants.

Applicants and potential applicants are not, with certain exceptions, the subject of either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52 were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever a 10 CFR part 50 operating license applicant references a construction permit or a 10 CFR part 52 combined license applicant references a license (*e.g.,* an early site permit) or an NRC regulatory approval (*e.g.,* a design certification rule) for which specified issue finality provisions apply.

The NRC staff does not currently intend to impose the positions represented in this final SRP section in a manner that constitutes backfitting or is inconsistent with any issue finality provision of 10 CFR part 52. If in the future the NRC staff seeks to impose a position stated in this SRP section in a manner that would constitute backfitting or be inconsistent with these issue finality provisions, the NRC staff must make the showing as set forth in the Backfit Rule or address the regulatory criteria set forth in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

3. The NRC staff has no intention to impose the SRP positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee, holder of a regulatory approval or a design certification applicant).

The NRC staff does not intend to impose or apply the positions described in this final SRP section to existing (already issued) licenses (*e.g.,* operating licenses and combined licenses) and regulatory approvals. Hence, the issuance of this SRP guidance—even if considered guidance subject to the Backfit Rule or the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that would constitute backfitting or does not provide issue finality as described in the applicable issue finality provision, then the staff must make a showing as set forth in the Backfit Rule or address the criteria in the applicable issue finality provision, as applicable, that would allow the staff to impose the position.

III. Congressional Review Act

The Office of Management and Budget makes the determination that the United States Nuclear Regulatory Commission action titled 'NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants; LWR Edition,'' Revision 4 of Standard Review Plan Section 13.6, ''Physical Security''' is non-major under the Congressional Review Act.

Dated at Rockville, Maryland, on February 27, 2019.

For the Nuclear Regulatory Commission.

Jennivine K. Rankin,

Chief (Acting), Division of Licensing, Siting, and Environmental Analysis, Licensing Branch 3, Office of New Reactors.

[FR Doc. 2019–03862 Filed 3–4–19; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85209; File No. SR–FINRA–2018–039]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change Relating to FINRA Rule 4570 (Custodian of Books and Records)

February 27, 2019.

I. Introduction

On November 15, 2018, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''),

pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) provide a member that is filing a Form BDW (Uniform Request for Broker-Dealer Withdrawal) the option of designating another FINRA member as the custodian of its books and records on the form; (2) clarify the obligations of the designated custodian; and (3) require the designated custodian to consent to act in such a capacity. The proposed rule change was published for comment in the **Federal Register** on November 30, 2018.[3] On January 11, 2019, the Commission extended until February 28, 2019 the time period to approve the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.[4] The Commission received one comment letter on the proposed rule change.[5] FINRA submitted a response to the comment on February 26, 2019.[6] This order approves the proposed rule change.

II. Description of the Proposal

Pursuant to Rule 17a–4 (Records to be Preserved by Certain Exchange Members, Brokers and Dealers) under the Exchange Act,[7] broker-dealers are required to retain their books and records for specified retention periods.[8] Paragraph (g) of Rule 17a–4 [9] provides that an entity that stops doing business as a registered broker-dealer has a continuing obligation to preserve its required books and records for the remainder of the specified retention periods. Form BDW requires that a firm that is withdrawing its registration identify and provide the contact information of the person who will have custody of the firm's books and records after the firm has discontinued its business operations. Form BDW also requires that the firm provide the address where the books and records will be located, if different than the custodian's address. In addition, the Form BDW provides that the firm and person signing the form on behalf of the firm must certify that the firm's books and records will be preserved and made available for inspection.

Currently, FINRA Rule 4570 requires a member firm to designate as the custodian of its required books and records on the Form BDW a person who is associated with the firm at the time the Form BDW is filed.[10] FINRA has noted that the current rule is intended to enhance the ability of FINRA to obtain a firm's required books and records upon dissolution of the firm.[11]

A. Permitting Another Member To Act as the Designated Custodian

To provide greater flexibility to its members, FINRA has proposed to amend Rule 4570 to provide a member that is filing a Form BDW the option of designating another FINRA member as the custodian of its books and records on the Form BDW. The proposed rule change would not require members to designate another FINRA member as the custodian of their books and records, but would give them the option to do so, at their discretion.

B. Clarifying the Obligations of the Designated Custodian

In addition to permitting another member to act as the designated custodian, FINRA has proposed to amend Rule 4570 to clarify the obligations of the designated custodian. Specifically, the proposed rule change would clarify that the custodian designated on the Form BDW must preserve books and records on behalf of the member that filed the Form BDW for the remainder of the applicable retention periods and make them available for inspection by FINRA upon request. Further, FINRA's proposed rule change would clarify that a custodian is required to preserve and produce a former member's books and records in the same manner in which they were received. However, the proposed rule change would provide that a custodian would not be precluded from converting the books and records in its possession into another format acceptable under the Exchange Act (*e.g.,* convert from paper format to an electronic storage media), so long as such records are not altered or deleted during the conversion process.

In addition, the proposed rule change would provide that where a member is acting as custodian, such member would not be required to verify the completeness or accuracy of the books and records that it receives.[12]

Further, FINRA has proposed to amend Rule 4570 to require that where a FINRA member has agreed to act as custodian of the books and records of another member that has filed a Form BDW, the member acting as custodian must: (1) Treat such books and records as if they were its own books and records; and (2) arrange upon its dissolution for such books and records to continue to be retained for the remainder of the applicable retention periods under FINRA and Exchange Act rules in the same manner as its own books and records consistent with Rule 4570.

C. Requiring the Consent of the Designated Custodian

FINRA's proposed rule change would also require a member to obtain the affirmative, written or verbal, consent of the custodian of books and records identified in the firm's Form BDW. In addition, the proposed rule change would require a member that is withdrawing its registration to inform its custodian of the obligations under FINRA and Exchange Act rules, including FINRA Rule 4570, prior to obtaining the custodian's consent. The proposed rule change would also require the designated custodian to represent to FINRA, in a method prescribed by FINRA, that the custodian: (1) Has consented to act in the capacity of a custodian; (2) understands the responsibilities of a custodian; and (3) agrees to provide the books and records of the member for which it is acting as custodian to FINRA upon request during the course of the required retention periods.

FINRA has stated that it will announce the effective date of the rule change in a Regulatory Notice to be published no later than 60 days following a Commission approval, and the effective date will be no later than 120 days following publication of that Regulatory Notice.[13]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 85646 (Nov. 30, 2018), 83 FR 61689 (''Notice'').

[4] *See* Securities Exchange Act Release No. 84982 (Feb. 4, 2019), 84 FR 1525 (''Extension'').

[5] *See* letter to Robert W. Errett, Deputy Secretary, Commission, from Richard J. O'Brien, Senior Vice President, Compliance, National Financial Services LLC, dated February 5, 2019 (''NFS Letter'').

[6] *See* letter to Brent J. Fields, Secretary, Commission, from Julia Bogolin, FINRA, dated February 26, 2019 (''FINRA Response'').

[7] 17 CFR 240.17a–4.

[8] *See also* FINRA Rule 4511 (General Requirements).

[9] 17 CFR 240.17a–4(g).

[10] For purposes of FINRA's rule, an associated person is a natural person. *See* FINRA By-Laws, Article I, paragraph (rr).

[11] FINRA has jurisdiction over, and has the ability to obtain information from, a former associated person of a member for generally two years after: (1) The effective date of the person's termination of registration; (2) the effective date of revocation or cancellation of the person's registration; or (3) in the case of an unregistered person, the date upon which such person ceased to be associated with the member. *See* FINRA By-Laws, Article V, Section 4 (Retention of Jurisdiction) and FINRA Rule 8210 (Provision of Information and Testimony and Inspection and Copying of Books).

[12] However, FINRA believed that an associated person who is acting as custodian of a member's books and records is in a position to verify the completeness and accuracy of the member's books and records based on his or her existing relationship with the member.

[13] *See* Notice, 83 FR at 61690.

III. Summary of Comment and FINRA's Response

The Commission received one comment letter regarding the proposal.[14] The commenter generally believed that the proposed rule would place undue financial and operational burdens on clearing firms.[15] More specifically, the commenter warned that there are far fewer fully disclosed clearing firms that could act as custodians for purposes of the rule change than FINRA indicated, and that therefore the resulting burden on competition would not be reasonable and appropriate.[16] Furthermore, the proposed rule requirement for a custodian to treat the withdrawing firm's books and records as if they were the custodian's own ''would add to a clearing firm's existing complex and voluminous record storage practice'' and would require ''sizable additional technology and human resources, not to mention the costs of paying for additional storage.'' [17] The commenter also warned that, as custodian of a BDW firm's books and records, it would be subject to additional regulatory requests and potentially become the subject of litigation, if either it must retain books and records for a longer period of time due to a litigation hold or if it becomes the logical defendant for an end customer with a grievance deciding to pursue litigation after their introducing firm has filed a BDW.[18] Despite these ''significant regulatory and litigation burdens,'' the commenter noted that it would be unpractical to expect correspondent clients to pay for the additional costs, because ''clearing firms will have little leverage to force such an additional cost'' and introducing broker-dealers are ''looking to reduce costs and increase efficiency and it is unlikely that they would agree to pay in advance for a service that would be necessary only in a worst-case scenario, which they do not believe will ever occur.'' [19] Finally, the commenter stated that if the Commission approves the proposed rule change, the rule should be modified as follows: (1) The rule should require written consent from the person identified as custodian on the firm's BDW; (2) clearing firms must be granted limitations on liability under the rule with respect to recordkeeping or related deficiencies that are attributable to the withdrawing broker-dealer; and (3) the Commission should consider enacting a rule to provide for a comprehensive and orderly process for unwinding a broker-dealer.[20]

In its response letter, FINRA clarified that the proposed rule change ''would have no impact on clearing firms or any other firms or individuals that choose not to consent to becoming a Rule 4570 custodian for another firm.'' [21] FINRA also acknowledged that a member that chooses to assume the role of custodian would likely incur additional costs, but noted that FINRA ''expects that a member would weigh the extent of the burden and ability to recover costs in determining whether to consent to become a custodian of books and records.'' [22] In addition, FINRA stated that it developed the rule change ''in response to feedback from some members that expressed difficulty in identifying and designating an associated person as the books and records custodian on their Form BDW'' and that these members ''indicated that other members are willing to function as custodians for purposes of FINRA Rule 4570, but they cannot do so currently because of the limitations in the rule.'' [23] Furthermore, FINRA noted that it vetted the proposed rule change with several of its advisory committees, including the Clearing Firm Advisory Committee, and that ''ultimately each committee supported the Proposal going forward, given its optional nature.'' [24] Furthermore, FINRA stated that the commenter ''provided no basis for its contention that it will be 'pressured' to take on the custodian role without compensation'' and that FINRA believed that ''market forces will determine whether a third party will consent to acting as custodian.'' [25] In addition to clarifying the number of clearing firms that appear to have fully disclosed relationships with introducing broker-dealers,[26] FINRA also clarified, with respect to the commenter's modifications to the proposal, that: (1) Oral consent is an option under the proposed rule because ''sometimes firms wind down business operations under expedited circumstances,'' but there is nothing in the proposed rule that would prevent a clearing firm from ''having an internal policy that would require written consent be given'' in order to establish the required consent; and (2) the proposed rule did not contemplate that a member acting as custodian ''would be liable for deficiencies in the records that it receives,'' but ''any limitations on liability that would affect the maintenance, preservation or availability of the records received by the custodian would be contrary to the purpose of the rule.'' [27]

IV. Discussion and Commission Findings

After careful consideration of the proposal, the comment submitted, and FINRA's response to the comment, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities association.[28] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Exchange Act,[29] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The Commission believes that the proposal is reasonably designed to facilitate compliance with recordkeeping requirements pursuant to FINRA rules and the Exchange Act. First, the proposed rule will provide greater flexibility for members, particularly introducing-only firms with established relationships with clearing firms, as FINRA has stated that some members have had difficulty in identifying and designating an associated person as the books and records custodian on their Form BDWs when they are in the process of winding down. This change will also enhance FINRA's ability to obtain the member's required books and records upon the member's dissolution, as FINRA's jurisdiction over former associated persons is more limited than its jurisdiction over current members. Second, the proposed rule change will clarify the obligations of the designated custodian to ensure that the custodian is preserving the former firm's books and records for the applicable retention periods. Such clarification will help ensure that the former firm's books and records are available for FINRA staff to conduct its work and so that customers who wish to bring a claim against the firm are not unnecessarily limited in their ability to obtain restitution. Third, the proposed rule change will require

[14] *See supra* note 5.

[15] *See* NFS Letter at 1.

[16] *See id.* at 2.

[17] *See id.* at 3.

[18] *See id.* at 3–4.

[19] *See id.*

[20] *See id.* at 5–6.

[21] *See* FINRA Response at 1.

[22] *See id.* at 1–2.

[23] *See id.* at 2.

[24] *See id.*

[25] *See id.*

[26] *See id.* at 2–3.

[27] *See* FINRA Response at 3.

[28] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[29] 15 U.S.C. 78*o*–3(b)(6).

the designated custodian to consent to act in such a capacity, which will address the potentially problematic situation where the person named as the custodian on the Form BDW was not aware that the member was designating the person as a custodian and did not have access to the former firm's books and records. Furthermore, given the optional nature of the proposed rule change, the Commission has no reason to believe that this proposal will impose undue burdens on FINRA member firms.

The Commission acknowledges the concerns of the commenter who argued that ''a considerable amount of work'' would be required of a clearing broker-dealer that agrees to be designated as a custodian under the proposed rule change and that such firm would bear additional financial and operational costs.[30] The Commission believes, nevertheless, that the comment does not preclude approval of the proposal. The proposed changes to FINRA Rule 4570 would permit, but not obligate, a member firm to take on the responsibilities associated with being designated as a custodian by another FINRA member on the Form BDW.[31] This change will allow member firms that have already indicated their willingness to be named as custodian for other broker-dealers the ability to be designated as such. The Commission also notes that FINRA vetted the proposal with several advisory committees, including the Clearing Firm Advisory Committee. These committees would be aware of the concerns expressed by the commenter, but they supported the proposal given its optional nature. With respect to the commenter's assumption that the costs for custodial services provided by clearing firms could not be priced into contracts with introducing broker-dealers, the commenter did not offer data or other analysis to support its position. In the absence of such data or analysis, and given that the proposal does not create any mandate for any member to become a custodian of books and records of another member, it is difficult for the Commission to understand the commenter's contention that the proposed rule change would impose substantial operational and financial burdens on clearing firms. The Commission further notes that the optional nature of the proposed rule change would permit a clearing firm to avoid taking on the responsibilities and burdens associated with becoming a custodian for an introducing member until such time that the market allows it to price such custodial services into its contracts with introducing firms.

The Commission also acknowledges the commenter's requested clarifications to the proposed rule change.[32] The Commission notes that while the proposal requires that the broker-dealer filing the Form BDW receive written or oral consent from the custodian, it also requires that the custodian follow up with a written confirmation to FINRA stating that the custodian agrees to this designation and that it understands its obligations under the rule.[33] This second step effectively ensures that there is written confirmation from the custodian before it can be designated as such. Furthermore, the Commission notes that the current proposal makes clear that any member firm that undertakes custodial responsibilities for another member firm would not be expected to verify the completeness or accuracy of any books and records it receives as part of its custodial duties.[34] However, the Commission believes that a limitation on liability with respect to the custodian's maintenance or preservation of records would frustrate the policy objectives of Rule 17a–4 under the Exchange Act and FINRA Rule 4570.

As discussed above, the proposed rule change will facilitate compliance with recordkeeping requirements for member firms and preserve FINRA's ability to have jurisdiction over, and obtain information from, the member that has agreed to act as custodian.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[35] that the proposed rule change (SR–FINRA–2018–039) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03879 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

[30] *See* NFS Letter at 1–2.

[31] *See* Notice, 83 FR at 61690.

[32] *See* NFS Letter at 5–6.

[33] *See* Notice, 83 FR at 61690.

[34] *See id.*

[35] 15 U.S.C. 78s(b)(2).

[36] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85213; File No. SR–BX–2018–066]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend the Exchange's Port Fee Schedule

February 27, 2019.

On December 20, 2018, Nasdaq BX, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its port fee schedule. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on January 31, 2019.[4] On February 15, 2019, pursuant to Section 19(b)(3)(C) of the Act, the Commission: (1) Temporarily suspended the proposed rule change; and (2) instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] The Commission has received no comment letters on the proposed rule change. On February 25, 2019, the Exchange withdrew its proposed rule change (SR–BX–2018–066).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03892 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85212; File No. SR–Phlx–2018–83]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Withdrawal of a Proposed Rule Change To Amend the Exchange's Port Fee Schedule

February 27, 2019.

On December 20, 2018, Nasdaq PHLX LLC (''Exchange'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 84965 (December 26, 2018), 84 FR 842.

[5] *See* Securities Exchange Act Release No. 85152, 84 FR 5737 (February 22, 2019).

[6] 17 CFR 200.30–3(a)(12).

(''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its port fee schedule. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3] The proposed rule change was published for comment in the **Federal Register** on January 31, 2019.[4] On February 15, 2019, pursuant to Section 19(b)(3)(C) of the Act, the Commission: (1) Temporarily suspended the proposed rule change; and (2) instituted proceedings to determine whether to approve or disapprove the proposed rule change.[5] The Commission has received no comment letters on the proposed rule change. On February 25, 2019, the Exchange withdrew its proposed rule change (SR–Phlx–2018–83).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03887 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85205; File No. SR–CBOE–2019–013]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Allow the Addition of New Series of Options on an Individual Stock Until the Close of Trading on the Business Day Prior to Expiration in Unusual Market Conditions

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2019, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to allow the addition of new series of options on an individual stock until the close of trading on the business day prior to expiration in unusual market conditions. The text of the proposed rule change is provided below and in Exhibit 1.

(deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 5.5. Series of Option Contracts Open for Trading

(a)–(e) (No change).

. . . Interpretations and Policies:

.01-.03 (No change).

.04 New series of options on an individual stock may be added until the beginning of the month in which the option contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add new series of options on an individual stock until the close of trading on the [second] business day prior to expiration.

.05–.23 (No change).

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .04 to Rule 5.5. to allow for the addition of new series of options on an individual stock until the close of trading on the business day prior to expiration in unusual market conditions. This is a competitive proposed rule change based on filings submitted by the International Securities Exchange, LLC (''ISE'') and NASDAQ OMX BX (''BX'') to the Securities and Exchange Commission (''Commission'').[5]

Currently, under Interpretation and Policy .04 to Rule 5.5, when faced with unusual market conditions, the Exchange may add new series of options on an individual stock until the close of trading on the second business day prior to expiration. In 2013, the Options Clearing Corporation (''OCC'') implemented a transition for standard option monthly expiration processing from Saturday to Friday. Accordingly, the Exchange, along with other exchanges, updated its rules to reflect the OCC change, referencing Friday expiration dates to replace Saturday expiration dates for all options expiring on or after February 1, 2015.[6] The Exchange also replaced any historic references to expiration dates with Friday expiration. At this time, other exchanges amended their rules to differentiate between Friday and Saturday or non-business day expirations during the transitional period. Other exchanges specified that additional series of individual stock options may be added during unusual market conditions until the close of trading on the business day prior to expiration in the case of an option contract expiring on a business day (*i.e.,* Thursday for Friday expirations), or, in the case of an option contract expiring on a day that is not a business day until

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] *See* Securities Exchange Act Release No. 84967 (December 26, 2018), 84 FR 861.

[5] *See* Securities Exchange Act Release No. 85152, 84 FR 5737 (February 22, 2019).

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release 34–70900 (November 19, 2013), 78 FR 70382 (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Change the Expiration Date for Most Options Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday) (SR–ISE–2013–58); Securities Exchange Act Release 34–70746 (October 23, 2013), 78 FR 64563 (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Implement Transition to Friday Expiration for Most Options Contracts) (SR–BX–2013–055).

[6] *See* Rule 1.1(mmm), Rule 23.5 & Rule 24.9.

the close of trading on the second business day prior to expiration (*i.e.,* Thursday for Saturday expirations). Consistent with the OCC initiative and industry-wide definition, the Exchange currently no longer lists series of option contracts with Saturday or non-business day expirations. The Exchange thus proposes to amend Rule 5.5. Interpretation and Policy .04 to allow specifically for the addition of new series of options on an individual stock until the close of trading on the business day prior to expiration in unusual market conditions in line with other exchanges' timing requirements for listing series of options prior to expiration.

The Exchange seeks to introduce this proposed change to Interpretation and Policy .04 to Rule 5.5 to create a uniform expiration date across exchanges for standard options on listed classes. The Exchange believes that keeping its rules consistent with those of the industry will protect all participants in the market by eliminating confusion, reducing the likelihood of rule violations due to discrepant industry rules, and by allowing for a more orderly market. In addition, the Exchange believes that keeping the proposed rule consistent with other exchange rules will foster better cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to, and facilitating transactions in securities by aligning a pivotal part of the options processing to be consistent industry-wide

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that keeping its rules consistent with those of other exchanges and industry practices will protect all participants in the market by eliminating confusion, thus, preventing investor vulnerability to violating different exchange rules. Additionally, the proposed change will foster cooperation and coordination with persons engaged in regulating clearing, settling, processing information with respect to, and facilitating transactions in securities by aligning the timing of series of options listing during unusual market conditions to be consistent industry-wide. Further, as the industry-wide transition from Saturday (and non-business day) expiration dates to Friday (or other business days) expiration dates was successful, the Exchange believes the proposed rule change will remove a discrepant industry impediment and allow for a more orderly market by permitting all options markets, including the clearing agencies, to have the same expiration date for series of options listed during periods of unusual market conditions. The proposed rule change also perfects the mechanism of a free and open market by allowing for the Exchange to list additional series of options on an individual stock closer to expiration during unusual market conditions thus better aligning the listed series of options with prices near expiration. Finally, the proposed rule change does not permit unfair discrimination between any Trading Permit Holders (''TPHs'') as it is applied to all TPHs equally.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to proposals previously filed by ISE and BX with the Commission.[10] The proposed rule change will allow for the Exchange to list additional series of options on an individual stock closer to expiration during unusual market conditions thus better aligning the listed series of options with prices near expiration.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it is substantially similar in all material respects to a previous ISE and BX filing,[15] and does not raise any new or novel issues. For this reason, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See supra* note 5.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 5.

[16] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2019–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2019–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2019–013 and should be submitted on or before March 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03886 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85206; File No. SR–MSRB–2019–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to the MSRB's Facility for the Short-Term Obligation Rate Transparency (SHORT) System To Modernize and Consolidate the Information Facility for the SHORT System

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 25, 2019 the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB filed with the Commission a proposed rule change (the ''proposed rule change'') to the MSRB's facility for the Short-Term Obligation Rate Transparency (SHORT) system to modernize and consolidate the information facility for the SHORT system (the ''SHORT IF''), which consists of the electronic interface for the collection and dissemination of information and documents related to municipal securities bearing interest at short-term rates and the electronic systems that process and transmit the information and documents for further dissemination (the ''SHORT system''). The MSRB has filed the proposed rule change under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder, as a noncontroversial rule change that renders the proposal effective upon filing. The proposed rule change would be made operative on April 8, 2019.

The text of the proposed rule change is available on the MSRB's website at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2019-Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

MSRB Rule G–34 (''Rule G–34''), on CUSIP numbers, new issue, and market information requirements, requires brokers, dealers, and municipal securities dealers (collectively, ''dealers'') to report certain information and submit certain documents to the MSRB about auction rate securities (''ARS'') and variable rate demand obligations (''VRDOs''). More specifically, in terms of auction rate securities, Rule G–34(c)(i)(A) currently requires each dealer that submits an order directly to an auction agent for its own account or on behalf of another account to buy, hold or sell an auction rate security through the auction process program dealer shall report, or ensure the reporting of, certain data about the auction rate security and the results of the auction to the MSRB. In terms of VRDOs, Rule G–34(c)(ii)(A) currently requires each dealer acting in the capacity of a remarketing agent to report certain information to the MSRB and to use its best efforts to obtain and submit certain documents to the MSRB.

The SHORT system provides the submission platform and instructions for how dealers fulfill these regulatory

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

obligations, as well as certain processing of dealer data submissions for public dissemination by the MSRB. The SHORT IF sets forth the material aspects of the operation of the SHORT system by describing the basic functionality of, and the high-level parameters by which the MSRB operates, the SHORT system. The proposed rule change consists of amendments to the SHORT IF.[5]

Background

The SHORT system was implemented in 2009 to establish a trasparency system for collecting and disseminating interest rate and descriptive information on ARS and VRDOs and to provide free public access to information disseminated from the SHORT system through the MSRB's Electronic Municipal Market Access (EMMA®) system's Short-Term Obligation Rate Transparency Service, which makes such informaton and documents publicly available on the EMMA Portal (*https://emma.msrb.org/*).[6] The MSRB also makes such information and documents available through certain paid subscription feeds, which provide access to the data for a commercially reasonable fee in accordance with the terms of a subscription agreement between the MSRB and a subscribing counterparty.

In 2010, the SHORT system was enhanced to collect additional information and documents that define auction procedures and bidding information for ARS and additional information on VRDOs, including interest rate setting mechanisms and liquidity facilities.[7] The MSRB's most recent amendment to the SHORT IF in 2015 included, among other things, additional descriptions regarding the general availability of the SHORT system and its core operational hours.[8]

The purpose of the proposed rule change is to revise the SHORT IF to harmonize its language and structure with the recently revised EMMA IF [9] and Real-Time Transaction Reporting System (RTRS) information facility (''RTRS IF''),[10] as well as to modernize and consolidate certain elements of the SHORT IF. As part of its ongoing efforts to ensure the precision and accuracy of its information facilities, the MSRB initiated a review of each of its three information facilities to ensure that they sufficiently and clearly describe the basic functionality and operations of the systems. The SHORT IF is the last information facility to be reviewed.

In light of the already-enacted revisions to the EMMA IF and the RTRS IF, the MSRB not only performed a comprehensive review of the SHORT IF to evaluate whether it sufficiently and clearly describes the basic functionality and operation of the SHORT system, but also to evaluate whether its language conforms to and is otherwise consistent with the language utilized in the other information facilities. The MSRB believes that dealers, issuers, obligated persons, other submitters and subscribers benefit from the information included in the SHORT IF being provided in a concise and organized manner.

Proposed Amendments to the SHORT Information Facility

(i) Improved Descriptions of SHORT Functionality

As part of its comprehensive review, the MSRB analyzed whether aspects of the SHORT IF could be enhanced to more precisely or concisely describe the SHORT system's functionality and operation, while ensuring that the SHORT IF continues to appropriately describe the basic functionality of and the high-level parameters by which the MSRB operates the EMMA system.

One area where the MSRB determined that an enhanced description of SHORT system functionality would be beneficial is in reference to the process for posting documents and information on display on the EMMA Portal and dissemination through the SHORT subscription services. The SHORT IF references that the SHORT system disseminates information and documents within certain timeframes upon ''acceptance.'' As suggested in the revisions to the EMMA IF, the term ''acceptance'' could be interpreted to suggest that the MSRB formally approves or otherwise reviews the substantive content of a submission prior to its dissemination.

The proposed amendments would revise this language to clarify that documents and information are disseminated promptly following successful processing of a submission through the SHORT system. For purposes of the SHORT IF, promptly shall mean within 15 minutes following the intake of the data by the SHORT system, transformation of such data for operational usability, and storage for effective retrieval for display or dissemination to public users and/or subscribers (''processing''). Submissions outside of core operational hours may be posted on the EMMA Portal promptly following the processing of such information, though some submissions outside of core operational hours may not be processed until the next business day.

This clarification is consistent with the recent amendments to the EMMA IF and RTRS IF and better describes the SHORT system's ministerial function of intaking, displaying and disseminating documents and information. This description also reflects the fact that, prior to display and dissemination, the SHORT system, among other things, conducts routine format checks and timestamps the data, but does not conduct a substantive content review process to accept the documents and information submitted.

(ii) Removal of Certain Technical and Ancillary Information

Given that the purpose of the SHORT IF is to set forth the material aspects of the SHORT system's operation, highly technical and ancillary information regarding the SHORT system is more appropriately provided in the Specifications for the SHORT System Data Submission System and similar documents that the MSRB maintains on its publicly available website (*MSRB.org*). The MSRB maintains several specification documents for the SHORT system, including the Short-term Obligation Rate Transparency (SHORT) System Submission Manual, Specifications for the SHORT System Data Submission System, and the Specifications for SHORT System Document Submission Services (collectively, the ''SHORT System User's Manual'').[11]

The SHORT System User's Manual provides detailed information regarding, among other things, user guides for website submission interfaces and input specifications for computer-to-computer submission. Similarly, the

[5] The SHORT IF is currently available on the MSRB's website at *http://www.msrb.org/Rules-and-Interpretations/MSRB-Rules/Facilities/SHORT-Facility.aspx.*

[6] *See* Securities Exchange Act Release No. 34–59212, January 7, 2009 (File No. SR–MSRB–2008–07).

[7] *See* Securities Exchange Act Release No. 62755, August 20, 2010 (File No. SR–MSRB–2010–02).

[8] *See* Securities Exchange Act Release No. 75602 (August 4, 2015), 80 FR 47976 (August 10, 2015) (File No. MSRB–2015–06).

[9] *See* Securities Exchange Act Release No. 84837 (December 17, 2018), 83 FR 65765 (December 21, 2018) (File No. MSRB–2018–09).

[10] *See* Securities Exchange Act Release No. 83038 (April 12, 2018), 83 FR 17200 (April 18, 2018) (File No. MSRB–2018–02).

[11] The Short-term Obligation Rate Transparency (SHORT) System Submission Manual, Specifications for the SHORT System Data Submission System, and the Specifications for SHORT System Document Submission Services are currently available on the MSRB's website, including at: *http://www.msrb.org/Market-Transparency/Manuals.aspx.*

Specifications for the Short-term Obligation Subscription Service (''SHORT Subscription Service''), Instructions for the MSRB SHORT Subscription Service and Historical Data Product, Specifications for the EMMA SHORT Historical Product and the Specifications for the SHORT System Subscription Service (collectively, the ''SHORT Subscription Publications'') provide specifications and requirements to access, retrieve and understand the SHORT subscription services.[12] The MSRB also maintains an MSRB Subscription Services Price List on *MSRB.org* to inform interested individuals about the pricing for the MSRB's subscription services.

The proposed rule change would remove certain technical and ancillary information from the SHORT IF that is already presented in the SHORT System User's Manual and the SHORT Subscription Publications. The removal of such information will streamline the SHORT IF by only presenting the information that is necessary to describe the material aspects of the operation of the SHORT system.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with the provisions of Section 15B(b)(2)(C) of the Act,[13] which provides that the MSRB's rules shall:

. . . be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The proposed rule change would contribute to the MSRB's continuing efforts to improve market transparency by providing greater transparency regarding the material functionality and operations of the SHORT system. As the SHORT system disseminates information and documents related to municipal securities market bearing interest at short-term rates, any improvement with respect to the understanding of how the SHORT system operates will further perfect the mechanism of a free and open market in municipal securities. In addition, the clarifying amendments to the SHORT IF serve to foster the cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, by making it more likely that the market is promptly provided with the latest information.

Specifically, the proposed amendments would increase the clarity and precision with respect to the description of basic SHORT system functionality and the high-level parameters by which the MSRB operates the SHORT system. The MSRB believes that dealers, issuers, obligated persons, other submitters and subscribers will benefit from a clearer understanding of this information. While additional technical information regarding the SHORT system is set forth in the SHORT System User's Manual, the SHORT Subscription Publications, and other similar documents that the MSRB maintains, the MSRB believes that it is important that material information regarding the SHORT system be clearly described in the SHORT IF. The proposed rule change serves this purpose.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15B(b)(2)(C) of the Act[14] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change consists of revisions to the SHORT IF to better align the language of the information facility to the MSRB's administration of the SHORT system. The proposed rule change seeks to clarify existing services and make minor changes of a technical nature to the information facility, including revisions that are consistent with the MSRB's prior rule filings that revised the information facilities for RTRS and EMMA. The proposed rule change will not substantively modify the manner in which the MSRB administers the SHORT system in collecting and disseminating information about municipal securities. Accordingly, the MSRB does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit comment on the proposed change. Therefore, there are no comments on the proposed rule change received from members, participants or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MSRB–2019–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2019–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the

[12] The Specifications for the SHORT System Subscription Service are currently available on the MSRB's website at: *http://www.msrb.org/Market-Transparency/Subscription-Services-and-Products/Variable-Rate-Securities-Subscriptions.aspx.*

[13] 15 U.S.C. 78*o*–4(b)(2)(C).

[14] *Id.*

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2019–03 and should be submitted on or before March 26, 2019.

For the Commission, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03890 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85208; File No. SR–EMERALD–2019–05]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 602, Appointment of Market Makers

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 19, 2019, MIAX Emerald, LLC (''MIAX Emerald'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 602, Appointment of Market Makers, in order to harmonize its rule to the rules of the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX Options'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend MIAX Emerald Rule 602, Appointment of Market Makers, in order to harmonize its rule to the rules of MIAX Options.

Background

MIAX Emerald plans to commence operations as a national securities exchange registered under Section 6 of the Act[3] on March 1, 2019. As described more fully in MIAX Emerald's Form 1 application,[4] the Exchange is an affiliate of MIAX Options and MIAX PEARL, LLC (''MIAX PEARL''). MIAX Emerald Rules, in their current form, were filed as Exhibit B to its Form 1 on August 16, 2018, and at that time, the above mentioned rules, were substantially similar to the rules of the MIAX Options exchange. In the time between when the Exchange filed its Form 1 and the time the Exchange received its approval order, MIAX Options made changes to its rule book. In order to ensure consistent operation of both MIAX Emerald and MIAX Options through having consistent rules, the Exchange proposes to amend MIAX Emerald Rules as described below.

Proposal

The Exchange proposes to amend MIAX Emerald Rule 602, Appointment of Market Makers, to specify the method by which LMMs and RMMs would request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a). These changes would make MIAX Emerald Rule 602 consistent with MIAX Options Rule 602 and are identical to changes made by MIAX Options when it modified its rule.[5] The Exchange believes this proposal would harmonize the appointment process between MIAX Options and MIAX Emerald, and would promote efficiency for both the Exchange and for these types of Market Makers.[6] Other option exchanges also specify a method which governs the appointment of market makers to classes of option contracts traded on the exchange, however, these methods, while generally automated, differ somewhat across exchanges.[7]

Once a Member[8] has qualified as either an LMM or an RMM, such Market Maker may request an appointment (or, following an appointment, relinquishment from an appointment) in one or more option classes pursuant to Rule 602. The Exchange's proposal seeks to specify that LMMs and RMMs would be required to use an Exchange approved electronic interface to request appointments (and relinquishment of appointments) to one or more classes of option contracts. A Primary Lead

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] *See* Securities Exchange Act Release No. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (File No. 10–233) (order approving application of MIAX EMERALD, LLC for registration as a national securities exchange).

[5] *See* Securities Exchange Act Release No. 83577 (July 2, 2018), 83 FR 31812 (July 9, 2018) (SR–MIAX–2018–13).

[6] The term ''Market Makers'' refers to ''Lead Market Makers,'' ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[7] *See, e.g.,* Cboe BZX Exchange, Inc. (''Cboe BZX'') Rules 22.3(a),(b) (Market Maker Registration); *see also* Nasdaq PHLX, LLC (''Nasdaq Phlx'') Rule 3212(b) (Registration as a Market Maker); Nasdaq Options Market (''NOM''), Chapter VII (Market Participants), Section 3(a),(b) (Continuing Market Maker Registration); NYSE American, LLC (''NYSE American''), Rule 923NY (Appointment of Market Makers).

[8] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

Market Maker (''PLMM''),[9] however, would go through a different, more extensive appointment process. Accordingly, the Exchange intentionally excluded PLMMs from this proposal. The Exchange believes it is appropriate to exclude PLMMs from this appointment method because the Board or designated committee would appoint only one PLMM to each options class traded on the Exchange, as opposed to the multiple number of LMMs and RMMs, and because of the heightened obligations associated with performing the responsibilities of a PLMM.[10] Because of the heightened responsibilities of PLMMs, the Exchange believes that it is appropriate to have a different method for PLMMs on the one hand, and LMMs and RMMs on the other hand, with respect to the method by which appointments (and relinquishments of appointments) are requested.

Specifically, Rule 602(a) provides that ''[t]he Board or a committee designated by the Board shall appoint Market Makers to one or more classes of option contracts traded on the Exchange.'' [11] In addition to having the authority to appoint one PLMM to each options class, ''[t]he Exchange will impose an upper limit on the aggregate number of Market Makers that may quote in each class of options (''Class Quoting Limit'' or ''CQL'').'' Currently, the CQL is set at fifty (50) Market Makers per option class but the Exchange may ''increase the CQL for an existing or new option class if the President determines that it would be appropriate.'' [12] Further, Rule 602(c)(2) provides that ''Market Makers requesting an appointment in a class of options will be considered for the appointment in accordance with paragraphs (a), (b) and (f) of this Rule 602, provided the number of Market Makers appointed in the options class does not exceed the CQL.''

In making appointments of Market Makers to one or more classes of option contracts traded on the Exchange, the Board or designated committee shall consider the financial resources available to the Market Maker; the Market Maker's experience and expertise in market making or options trading; the preferences of the Market Maker to receive appointment(s) in specific option class(es); and the maintenance and enhancement of competition among Market Makers in each class of option contracts to which they are appointed.[13] Rule 602(c)(2) also states that, when the number of Market Makers appointed in the options class equals the CQL, all other Market Makers requesting to be appointed in that options class will be wait-listed in the order in which they submitted their request.[14]

Under the current Rule, ''[t]he Board or designated committee may suspend or terminate any appointment of a Market Maker under this Rule [602] and may make additional appointments or change the option classes included in a Market Maker's appointed classes whenever, in the Board's or designated committee's judgment, the interests of a fair and orderly market are best served by such action.'' [15] Moreover, the Exchange ''shall periodically conduct an evaluation of Market Makers to determine whether they have fulfilled performance standards relating to, among other things, quality of markets, competition among Market Makers, observance of ethical standards, and administrative factors. The Exchange may consider any relevant information, including but not limited to the results of a Market Maker evaluation questionnaire, trading data, a Market Maker's regulatory history and such other factors and data as may be pertinent in the circumstances.'' [16] If the Exchange finds that a Market Maker has not met the performance standards, the Exchange may take action, including suspending, terminating or restricting a Market Maker's appointment or registration.[17]

The Exchange proposes to amend MIAX Emerald Rule 602 solely to specify the method by which LMMs and RMMs would request appointments to (or relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a). In particular, the Exchange proposes to adopt Interpretations & Policies .02 to Rule 602 to provide that, ''Lead Market Makers and Registered Market Makers shall request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a) via an Exchange approved electronic interface, which request must be submitted prior to 6:00 p.m. Eastern Time of the business day immediately preceding the next trading day. The Exchange approved electronic interface will also ensure that, before any appointment request (or relinquishment of an appointment) is approved, the CQL established by Rule 602 has not been exceeded. Appointments (and relinquishments of appointments) shall become effective on the day after the request is submitted, provided that it has been approved. Approvals and denials of appointments (and relinquishment of appointments) shall be communicated by the Exchange via the same Exchange approved electronic interface through which the request was made.''

The Exchange believes that requiring LMMs and RMMs to use an Exchange approved electronic interface to request appointments to one or more classes of option contracts would enable LMMs and RMMs to efficiently request appointments (and relinquishment of appointments) and get notified of approvals or denials related to such requests, which, in turn, would limit the time and resources expended by such Market Makers and the Exchange on the appointment process.

The Exchange also believes this proposal would provide LMMs and RMMs with efficient access to the securities in which they want to make markets and disseminate competitive quotations by harmonizing the process to be identical to the process currently in place on MIAX Options, which would provide additional liquidity and enhance competition in those securities. The Exchange would retain the ability to suspend or terminate any appointment of a Market Maker if necessary to maintain a fair and orderly market.[18] The Exchange notes that the proposed changes to Rule 602 are identical to changes made by MIAX Options when it modified its rule,[19] and therefore raises no new or novel issues. Furthermore, the Exchange notes that it is only proposing to specify the method by which LMMs and RMMs would request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a), and would not change the substantive provisions of the rules including the CQL, quoting requirements, or the Exchange's ability to make additional appointments or change the option classes included in a Market Maker's requested appointment whenever, in the Board's or designated

[9] A ''Primary Lead Market Maker'' is a Lead Market Maker appointment by the Exchange to act as the Primary Lead Market Maker for the purpose of making markets in securities traded on the Exchange. The Primary Lead Market Maker is vested with the rights and responsibilities specified in Chapter VI of these Rules with respect to Primary Lead Market Makers. *See* Exchange Rule 100.

[10] *See,* for example, Exchange Rules 603 and 604 for certain heightened obligations of PLMMs.

[11] *See* Rule 602(a).

[12] *See* Rule 602(c).

[13] *See* Rule 602(a).

[14] *See* Rule 602(c)(2).

[15] *See* Rule 602(e).

[16] *See* Rule 602(f).

[17] *See id.*

[18] *See* Rule 602(e).

[19] *See supra* note 5.

committee's judgment, the interests of a fair and orderly market are best served by such action.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [20] in general, and furthers the objectives of Section 6(b)(5) of the Act [21] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that requiring LMMs and RMMs to use an Exchange approved electronic interface to request appointments to one or more classes of option contracts would enable LMMs and RMMs to efficiently request appointments (and relinquishment of appointments) and get notified of approvals or denials related to such requests, which, in turn, would limit the time and resources expended by such Market Makers and the Exchange on the appointment process, through the use of an automated tool. The Exchange believes the proposed change would reduce the burden on both LMMs and RMMs, and Exchange staff by harmonizing the process to be identical to MIAX Options, which would result in a fair and reasonable use of resources to the benefit of all market participants. In particular, the proposal to require LMMs and RMMs to use an Exchange approved electronic interface to request to be appointed to a class, and to make changes thereto, is consistent with Act because it would provide LMMs and RMMs with efficient access to the securities in which they want to make markets by harmonizing the process to be identical to the process currently in place on MIAX Options. The Exchange also believes that allowing LMMs and RMMs to request relinquishment from appointments using the same process used by LMMs and RMMs to request appointments, would serve to promote just and equitable principles of trade and benefit investors and the public interest by establishing a systematic way for LMMs and RMMs to manage their appointments and provide more clarity with respect to the process, which also serves to promote consistency and transparency for such Market Makers.

In addition, the Exchange believes that clarifying the process by which LMMs and RMMs request appointments and relinquishment of appointments on an automated basis and harmonizing such process with that of MIAX Options is likewise consistent with the Act. First, the Board or a designated committee will continue to have responsibility for approving the appointments requested by LMMs and RMMs in one or more classes of options contracts traded on the Exchange. The Board or a designated committee would continue to consider the relevant factors and conduct an evaluation of Market Makers prior to their appointment.[22] In addition, as noted above, the Exchange would continue to have authority to suspend or terminate any Market Maker appointment in the interest of a fair and orderly market, including, if necessary to prevent fraudulent and manipulative acts and practices and protect investors, or if a Market Maker does not satisfy its obligations with respect to an appointment.[23] Furthermore, the Exchange approved electronic interface utilized by LMMs and RMMs to request an appointment will ensure that, before any additions to a Market Maker's appointment are approved, the CQL established by Rule 602 has not been exceeded. Accordingly, the Exchange believes this proposal is consistent with Section 6(b) of the Exchange Act.[24]

The proposed rule change would not result in unfair discrimination, as it applies to all LMMs and RMMs equally. As noted above, the Exchange intentionally excluded PLMMs from this proposal. The Exchange believes it isn't unfairly discriminatory to exclude PLMMs from this new appointment method because the Board or designated committee appoints only one PLMM to each options class traded on the Exchange, as opposed to the multiple number of LMMs and RMMs, and because of the heightened obligations associated with performing the responsibilities of a PLMM.[25] Because of these heightened responsibilities of PLMMs, the Exchange believes that it is not unfairly discriminatory to treat PLMMs differently from LMMs and RMMs with respect to the method by which appointments (and relinquishments of appointments) are requested.

Further, the proposed rule change would provide LMMs and RMMs with efficient access to the securities in which they want to make markets and disseminate competitive quotations by harmonizing the process to be identical to the process currently in place on MIAX Options, which would provide additional liquidity and enhance competition in those securities, while limiting the time and resources expended by such Market Makers and the Exchange on the appointment process. Nevertheless, Market Makers would still be required to comply with certain obligations to maintain their status as a Market Maker, including that they provide continuous, two-sided quotations in their appointed securities.[26]

Finally, as noted above, specifying the method of the appointment process would also align the rules of the Exchange with the rules of other options exchanges and to the rules of MIAX Options, where Market Makers presently have the ability to select and make changes to their appointments and registrations via an exchange-approved electronic interface.[27] The Exchange believes this consistency across exchanges would remove impediments to and perfect the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the appointment process.

Additionally, the Exchange believes that although MIAX Emerald rules may, in certain instances, intentionally differ from MIAX Options rules, the proposed changes will promote uniformity with MIAX Options with respect to rules that are intended to be identical. The Exchange believes that it will reduce the potential for confusion by its members that are also members of MIAX Options with respect to rules that are intended to be identical.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX Emerald does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because it provides for the same process to a group of similarly situated market participants, LMMs and RMMs. The proposed rule change would provide LMMs and RMMs with efficient access to the securities in which they want to make markets and disseminate competitive quotations by harmonizing

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

[22] *See supra* notes 11–15.

[23] *See* Rule 602(e). *See also* Rule 600(c) (regarding the Exchange's ability to suspend or terminate a Market Maker's registration based on ''a determination that such Member has failed to properly perform as a Market Maker.'').

[24] 15 U.S.C. 78f(b).

[25] *See supra* note 10.

[26] *See* Rule 604.

[27] *See supra* note 7.

the process to be identical to the process currently in place on MIAX Options, which would provide additional liquidity and enhance competition in those securities, while limiting the time and resources expended by such Market Makers and the Exchange on the appointment process. Additionally, the proposed rule change will help to provide more clarity with respect to the appointment process, which also serves to promote consistency and transparency for such Market Makers.

The Exchange does not believe the proposed rule change would help these Market Makers to the detriment of market participants on other exchanges, particularly because the proposed appointment process for LMMs and RMMs is meant to simply create an efficient and clear process by which such Market Makers can request an appointment, and it is similar to the appointment and registration processes for market makers already in place on other exchanges.[28] LMMs and RMMs would still be subject to the same obligations with respect to its appointment; however, the proposed rule change would make the appointment process efficient for such Market Makers. The Exchange believes that the proposed rule change would relieve any burden on, or otherwise promote, competition, as it would enable LMMs and RMMs to efficiently request appointments (and relinquishment of appointments) and get notified of approvals or denials related to such requests, which, in turn, would limit the time and resources expended by such Market Makers and the Exchange on the appointment process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[29] and Rule 19b–4(f)(6)[30] thereunder.

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[31] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[32] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing with the Commission, the Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that waiver of the operative delay will allow the proposed rules to become operative before the Exchange intends to commence operations as a national exchange. The Commission notes that the proposed rule change is based on a substantively identical rule of MIAX Options and thus raises no new novel or substantive issues. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[33]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-EMERALD–2019–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–EMERALD–2019–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EMERALD–2019–05 and should be submitted on or before March 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03891 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

[28] *Id.*

[29] 15 U.S.C. 78s(b)(3)(A).

[30] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[31] 17 CFR 240.19b–4(f)(6).

[32] 17 CFR 240.19b–4(f)(6)(iii).

[33] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, March 7, 2019.

PLACE: The meeting will be held at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Roisman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: February 28, 2019.

Brent J. Fields,

Secretary.

[FR Doc. 2019–03974 Filed 3–1–19; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85210; File No. SR-Phlx-2019–02]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Terms of Index Option Contracts

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2019, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1101A, ''Terms of Index Option Contracts,'' to amend certain expiration timeframes and make technical corrections to this rule.

The Exchange requests that the Commission waive the 30-day operative delay period contained in Exchange Act Rule 19b–4(f)(6)(iii).[3]

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 1101A, ''Terms of Index Options Contracts,'' to amend expirations for Phlx index options. The Exchange also proposes to amend expirations related to the listing and trading, on a pilot basis, of p.m.-settled options on broad-based indexes with nonstandard expiration dates (''Nonstandard Program''). Finally, the Exchange proposes technical amendments within Phlx Rule 1101A. Each rule change will be discussed below.

Expirations of Index Options and Technical Amendments

The Exchange proposes to add titles and re-number/re-letter Rule 1101A. The Exchange proposes to add the title ''General'' to the beginning of the rule. The Exchange proposes to add the title ''Exercise Prices'' in front of current Rule 1101A and the title ''Strike Prices'' before the paragraph after the list of sector indexes. The Exchange proposes to add these titles and re-number/re-letter this rule to make the rule more clear and add the various sections to provide ease of reference as to the content of the rule. The Exchange proposes to relocate current Rule 1033A to new section Rule 1101A(a)(1).

The Exchange proposes a new section Rule 1101A(a)(4) with a title ''Expiration Months and Weeks.'' The Exchange proposes to amend Rule 1101A to add specific expiration months and weeks to Rule 1101A similar to expiration months and weeks at Cboe Exchange, Inc. (''Cboe''). Cboe Rule 24.9(a)(2) provides for expiration months and weeks for its index products.[4] Today, Phlx Rule 1101A

[4] Cboe Rule 24.9(a)(2) provides, ''Expiration Months and Weeks. Index option contracts may expire at three-month intervals, in consecutive months or in consecutive weeks (as specified by class below). The Exchange may:

- List up to six standard monthly expirations at any one time in a class, but will not list index options that expire more than 12 months out;
- list up to 12 standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index and for CBOE S&P 500 a.m./PM Basis, EAFE, EM, FTSE Emerging, FTSE Developed, FTSE 100, China 50, and S&P Select Sector Index (SIXM, SIXE, SIXT, SIXV, SIXU, SIXR, SIXI, SIXY, SIXB, and SIXRE, and SIXC) options;
- list up to 12 consecutive weekly expirations in VXST options; and,
- list up to six weekly expirations and up to 12 standard (monthly) expirations in VIX options. The six weekly expirations shall be for the nearest weekly expirations from the actual listing date and weekly expirations may not expire in the same

contains no expiration language. The proposed rule text provides that index options contracts may expire at three (3)-month intervals or in consecutive weeks or months. Further, the Exchange may list: (i) Up to six (6) standard monthly expirations at any one time in a class, but will not list index options that expire more than twelve (12) months out; (ii) up to 12 standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index; and (iii) up to 12 standard (monthly) expirations in NDX options.[5] The Exchange is proposing similar expiration language on Nasdaq ISE, LLC in a separate rule change. The Exchange notes that the proposed new rule text would govern the listing of all index options and the new proposed text regarding 12 standard (monthly) expirations will govern the listing of NDX options.

Nonstandard Expirations Pilot Program

The Exchange proposes to amend current Rule 1101A(b)(vii)(1) which is proposed to be re-numbered Rule 1101A(b)(5)(A) to modify the maximum number of expirations that may be listed for each Weekly expiration in the Nonstandard Program. Today, current Rule 1101A(b)(vii)(1) provides, ''The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.,* a Monday expiration, Wednesday expiration, or Friday expiration, as applicable) in a given class is the same as the maximum number of expirations permitted for standard options on the same broad-based index.'' The Exchange proposes to instead provide, ''The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.,* a Monday expiration, Wednesday expiration, or Friday expiration, as applicable) in a given class is the maximum number of expirations permitted for standard index options in Rule 1101A(a)(4).'' This provision would be modified to reference the new rule text proposed within Rule 1101A(a)(4).

The Exchange notes that Cboe Rule 24.9(e)(1) references Cboe Rule 24.9(a)(2) for the maximum number of expirations for weekly expirations in the nonstandard expirations pilot program. This proposed amendment to Phlx's Nonstandard Program would amend the maximum expirations so they would be similar to expirations on Cboe.

Technical Amendment

The Exchange proposes to amend a sentence [sic] current Rule 1101A(b)(vii)(1) which is proposed to be re-numbered Rule 1101A(b)(5)(A) which currently provides, ''Weekly Expirations that are first listed in a given class may expire up to four weeks from the actual listing date.'' The Exchange proposes to amend this sentence to replace the word ''first'' with ''initially.'' The Exchange is not proposing to amend the meaning of this sentence, rather the Exchange proposes to make clear that the word ''initially'' applies to the four week expiration period for listing initial weeklies in the Nonstandard Program.

Finally, the Exchange proposes to renumber parts of Rule 1101A to conform the lettering/numbering to the proposed new rule text and remove a hyphen between Market and Maker within current Rule 1101A(b)(vi)(D).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by clearly indicating the permissible expirations periods for index options and the Nonstandard Program to permit the listing of additional expirations. This proposal will conform Phlx's ability to list index options expirations similar to Cboe.

Expirations of Index Options

Today, Rule 1101A does not provide specific expirations for broad-based indexes. With this proposal the Exchange would be permitted to list index options contracts that expire at three (3)-month intervals or in consecutive weeks or months. Further, the Exchange may list: (i) Up to six (6) standard monthly expirations at any one time in a class, but will not list index options that expire more than twelve (12) months out; (ii) up to 12 standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index; and (iii) up to 12 standard (monthly) expirations in NDX options. The Exchange believes that this rule text is consistent with the Act because it brings clarity to the manner in which Phlx may list expirations on index options. Further, this proposal will permit the Exchange to list similar index options as are listed by Cboe today, including in the Nonstandard Program.

Nonstandard Expirations Pilot Program

The Exchange's proposal to amend current Rule 1101A(b)(vii)(1) which is proposed to be re-numbered Rule 1101A(b)(5)(A) to modify the maximum number of expirations that may be listed for each weekly expiration in the Nonstandard Program to the proposed new expiration timeframes is consistent with the Act because today those timeframes refer to the timeframes for standard listed options. Providing for the maximum numbers of expirations permitted under the Nonstandard Program within the standard index options rule will clarify the timeframes and eliminate any potential ambiguity about the maximum numbers of expirations permitted under the Nonstandard Program. Additionally, this amendment will align the Exchange's Nonstandard Program to Cboe's nonstandard program.

Technical Amendment

The Exchange's proposal amend [sic] a sentence within current Rule 1101A(b)(vii)(1) which is proposed to be re-numbered Rule 1101A(b)(5)(A) by replacing the word ''first'' with ''initially'' is consistent with the Act because it will make clear the meaning of the term and the meaning. The Exchange is not proposing to amend the meaning of this sentence, rather the Exchange proposes to make clear that the word ''initially'' applies to the four week expiration period for listing initial weeklies in the Nonstandard Program.

Finally, the Exchange believes that adding [sic] title to Rule 1101A as well as memorializing the meaning of bids and offers and re-numbering/re-lettering this rule will bring greater clarity to the index rule and align the rule with a similar proposal on Nasdaq ISE, LLC.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe the proposal will impose any burden on intramarket competition as all market participants will be treated in the same manner with respect to expirations of index options. Additionally, the

week in which standard (monthly) VIX options expire. Standard (monthly) expirations in VIX options are not counted as part of the maximum six weekly expirations permitted for VIX options.''

[5] This provision is similar to a provision that Cboe notes for its VIX options at Rule 24.9(a)(2).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

Exchange does not believe the proposal will impose any burden on intermarket competition as market participants are welcome to become Phlx Members and trade at Phlx if they determine that this proposed rule change has made Phlx more attractive or favorable. Finally, all options exchanges are free to compete by listing and trading their own broad-based index options with similar expirations. This proposal will permit Phlx to compete with Cboe with respect to listing expirations on index options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) of the Act[10] normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[11] permits the Commission to designate a shorter time if the action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that the proposed rule change will add clarity to Rule 1101A and allow the Exchange to list expirations on index options and in its Nonstandard Program in a manner similar to another exchange. Because the proposed rule change does not present any new or novel issues, the Commission believes that waiving the 30-day operative delay period is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2019–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2019–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2019–02, and should be submitted on or before March 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03893 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85211; File No. SR–ISE–2019–02]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Certain Expiration Timeframes in ISE Rule 2009

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 21, 2019, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE Rule 2009, ''Terms of Index Options Contracts,'' to amend certain expiration timeframes and make a technical correction to this rule.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 2009, ''Terms of Index Options Contracts,'' to amend expirations for ISE index options. The Exchange also proposes to amend expirations related to the listing and trading, on a pilot basis, of p.m.-settled options on broad-based indexes with nonstandard expiration dates (''Nonstandard Program''). Finally, the Exchange proposes a technical amendment within ISE Rule 2009. Each rule change will be discussed below.

Expirations of Index Options

Rule 2009(a)(3) currently provides, *Expiration Months.* Index options contracts, including option contracts on a Foreign Currency Index, may expire at three (3)-month intervals or in consecutive months. The Exchange may list up to six (6) expiration months at any one time, but will not list index options that expire more than twelve (12) months out. Notwithstanding the preceding restriction, the Exchange may list up to seven expiration months at any one time for any broad-based security index option contracts (*e.g.* NDX, RUT) upon which any exchange calculates a constant three-month volatility index.

The Exchange proposes to re-title this section ''Expiration Months and Weeks'' and remove the following rule text, ''. . . including option contracts on a Foreign Currency Index . . .'' The Exchange currently lists no foreign currency indexes. Further, the Exchange proposes to modify its expiration timeframes, similar to Cboe Exchange, Inc. (''Cboe'') Rule 24.9(a)(2), in three ways.[3] First, the Exchange proposes to simply reword the provision which refers to 6 standard monthly expirations from, ''The Exchange may list up to six (6) expiration months at any one time, but will not list index options that expire more than twelve (12) months out'' to ''The Exchange may list: (i) Up to six (6) standard monthly expirations at any one time in a class, but will not list index options that expire more than twelve (12) months out.'' The meaning of the sentence is not being altered, rather the Exchange is simply rewording the sentence to mirror Cboe's rule text. Second, the Exchange proposes to add additional provisions for listing index options. The Exchange proposes to enable index options to be listed up to 12 standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index; and up to 12 standard (monthly) expirations in NDX options similar to Cboe Rule 24.9(a)(2). Third, the Exchange proposes to remove the final sentence of Rule 2009(a)(3), ''Notwithstanding the preceding restriction, the Exchange may list up to seven expiration months at any one time for any broad-based security index option contracts (*e.g.* NDX, RUT) upon which any exchange calculates a constant three-month volatility index.'' The Exchange notes that the proposed new rule text would govern the listing of all index options and the new proposed text regarding 12 standard (monthly) expirations will govern the listing of NDX options, similar to Cboe's VIX product.

Nonstandard Expirations Pilot Program

The Exchange proposes to amend Rule 2009 at Supplementary Material .07(a) to modify the maximum number of expirations that may be listed for each Weekly expiration in the Nonstandard Program. Today, ISE Rule 2009 at Supplementary Material .07(a) provides, ''The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.,* a Monday expiration, Wednesday expiration, or Friday expiration, as applicable) in a given class is the same as the maximum number of expirations permitted for standard options on the same broad-based index.'' The Exchange proposes to instead provide, ''The maximum number of expirations that may be listed for each Weekly Expiration (*i.e.,* a Monday expiration, Wednesday expiration, or Friday expiration, as applicable) in a given class is the maximum number of expirations permitted for standard index options in Rule 2009(a)(3).'' This provision would be modified to reference the proposed new rule text proposed within Rule 2009(a)(3).

The Exchange notes that Cboe Rule 24.9(e)(1) references Cboe Rule 24.9(a)(2) for the maximum number of expirations for weekly expirations in the nonstandard expirations pilot program. This proposed amendment to ISE's Nonstandard Program would amend the maximum expirations so they would be similar to expirations on Cboe.

Technical Amendment

The Exchange proposes to amend a sentence within Rule 2009 at Supplementary Material .07(a) which currently provides, ''Weekly Expirations that are first listed in a given class may expire up to four weeks from the actual listing date.'' The Exchange proposes to amend this sentence to replace the word ''first'' with ''initially.'' The Exchange is not proposing to amend the meaning of this sentence, rather the Exchange proposes to make clear that the word ''initially'' applies to the four week expiration period for listing initial weeklies in the Nonstandard Program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by expanding the permissible expirations periods for index options and the Nonstandard Program to permit the listing of additional expirations. This

[3] Cboe Rule 24.9(a)(2) provides, ''Expiration Months and Weeks. Index option contracts may expire at three-month intervals, in consecutive months or in consecutive weeks (as specified by class below). The Exchange may:

- List up to six standard monthly expirations at any one time in a class, but will not list index options that expire more than 12 months out;
- list up to 12 standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index and for CBOE S&P 500 a.m./p.m. Basis, EAFE, EM, FTSE Emerging, FTSE Developed, FTSE 100, China 50, and S&P Select Sector Index (SIXM, SIXE, SIXT, SIXV, SIXU, SIXR, SIXI, SIXY, SIXB, and SIXRE, and SIXC) options;
- list up to 12 consecutive weekly expirations in VXST options; and
- list up to six weekly expirations and up to 12 standard (monthly) expirations in VIX options. The six weekly expirations shall be for the nearest weekly expirations from the actual listing date and weekly expirations may not expire in the same week in which standard (monthly) VIX options expire. Standard (monthly) expirations in VIX options are not counted as part of the maximum six weekly expirations permitted for VIX options.''

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

proposal will conform ISE's ability to list index options expirations similar to Cboe.

Expirations of Index Options

Today, the Exchange may only list up to six standard monthly expirations at any one time in a class, but will not list index options that expire more than twelve months out and up to seven expiration months at any one time for any broad-based security index option contracts. With this proposal the Exchange may still list up to six standard monthly expirations at any one time in a class but may also list up to twelve standard monthly expirations at any one time for any class that the Exchange (as the Reporting Authority) uses to calculate a volatility index; and up to twelve standard (monthly) expirations in NDX options. This expanded ability will enable the Exchange to offer Members additional expirations on index options and compete more effectively with other markets to offer additional venues to trade index options. Further, this proposal will permit the Exchange to list similar index options as are listed by Cboe today, including in the Nonstandard Program.

Nonstandard Expirations Pilot Program

The Exchange's proposal to amend Rule 2009 at Supplementary Material .07(a) to modify the maximum number of expirations that may be listed for each Weekly expiration in the Nonstandard Program to the proposed new expiration timeframes is consistent with the Act because today those timeframes refer to the timeframes for standard listed options. Providing for the maximum numbers of expirations permitted under the Nonstandard Program within the standard index options rule will clarify the timeframes and eliminate any potential ambiguity about the maximum numbers of expirations permitted under the Nonstandard Program. Additionally, this amendment will align the Exchange's Nonstandard Program to Cboe's nonstandard program.

Technical Amendment

The Exchange's proposal amend [sic] a sentence within Rule 2009 at Supplementary Material .07(a) by replacing the word ''first'' with ''initially'' is consistent with the Act because it will make clear the meaning of the term and the meaning. The Exchange is not proposing to amend the meaning of this sentence, rather the Exchange proposes to make clear that the word ''initially'' applies to the four week expiration period for listing initial weeklies in the Nonstandard Program. Also deleting a reference to foreign currency indexes will clarify Rule 2009(a)(3).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange does not believe the proposal will impose any burden on intramarket competition as all market participants will be treated in the same manner with respect to expirations of index options. Additionally, the Exchange does not believe the proposal will impose any burden on intermarket competition as market participants are welcome to become ISE Members and trade at ISE if they determine that this proposed rule change has made ISE more attractive or favorable. Finally, all options exchanges are free to compete by listing and trading their own broad-based index options with similar expirations. This proposal will permit ISE to compete with Cboe with respect to listing expirations on index options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6) of the Act[8] normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[9] permits the Commission to designate a shorter time if the action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange represents that the proposed rule change will add clarity to Rule 2009 and allow the Exchange to list expirations on index options and in its Nonstandard Program in a manner similar to another exchange. Because the proposed rule change does not present any new or novel issues, the Commission believes that waiving the 30-day operative delay period is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2019–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2019–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent

[6] 15 U.S.C. 78s(b)(3)(A).

[7] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2019–02, and should be submitted on or before March 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03883 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–85207; File No. SR–EMERALD–2019–09]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish MIAX Emerald Top of Market ("ToM") Data Feed, MIAX Emerald Complex Top of Market ("cToM") Data Feed, MIAX Emerald Administrative Information Subscriber ("AIS") Data Feed, and MIAX Emerald Order Feed ("MOR")

February 27, 2019.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2019, MIAX Emerald, LLC ("MIAX Emerald" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to establish certain market data products. The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/emerald,* at MIAX Emerald's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish the MIAX Emerald Top of Market ("ToM") data feed, MIAX Emerald Complex Top of Market ("cToM") data feed, MIAX Emerald Administrative Information Subscriber ("AIS") data feed, and MIAX Emerald Order Feed ("MOR").

ToM provides market participants with a direct data feed that includes the Exchange's best bid and offer, with aggregate size, and last sale information, based on order and quoting interest on the Exchange. The ToM data feed includes data that is identical to the data sent to the processor for the Options Price Reporting Authority ("OPRA"). The ToM and OPRA data leave the MIAX Emerald System[3] at the same time, as required under Section 5.2(c)(iii)(B) of the Limited Liability Company Agreement of the Options Price Reporting Authority LLC (the "OPRA Plan"), which prohibits the dissemination of proprietary information on any more timely basis than the same information is furnished to the OPRA system for inclusion in OPRA's consolidated dissemination of options information. ToM will also contain a feature that provides the number of Priority Customer[4] contracts that are included in the size associated with the Exchange's best bid and offer.

cToM will provide subscribers with the same information as the ToM market data product as it relates to the Strategy Book, *i.e.,* the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange. cToM will also provide subscribers with the identification of the complex strategies currently trading on MIAX Emerald; complex strategy last sale information; and the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). cToM is distinct from ToM, and anyone wishing to receive cToM data must subscribe to cToM regardless of whether they are a current ToM subscriber. ToM subscribers are not required to subscribe to cToM, and cToM subscribers are not required to subscribe to ToM.

AIS provides market participants with a direct data feed that allows subscribers to receive real-time updates of products traded on MIAX Emerald, trading status for MIAX Emerald and products traded on MIAX Emerald, and liquidity seeking event notifications. The AIS market data feed includes opening imbalance condition information, opening routing information, expanded quote range information, post-halt notifications, and liquidity refresh condition information. AIS real-time messages are disseminated over multicast to achieve a fair delivery mechanism. AIS notifications provide current electronic system status allowing subscribers to take necessary actions immediately.

MOR provides market participants with a direct data feed that allows subscribers to receive real-time updates of options orders, products traded on MIAX Emerald, MIAX Emerald Options System status, and MIAX Emerald Options Underlying trading status. Subscribers to the data feed will get a list of all options symbols and strategies that will be traded and sourced on that feed at the start of every session.

The proposed data products provide valuable information that can help subscribers make informed investment

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term "System" means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[4] The term "Priority Customer" means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.

decisions, and operate in the same manner as similar data products offered by the Miami International Securities Exchange, LLC (''MIAX Options''), namely the MIAX Options Top of Market data product (''MIAX ToM''),[5] MIAX Options Complex Top of Market data product (''MIAX cToM''),[6] MIAX Options Administrative Information Subscriber data product (''AIS''),[7] and the MIAX Options Order Feed data product (''MOR'').[8] Each of these proposed data products is available to members and non-members, and to both professional and non-professional subscribers.

The Exchange represents that it will make ToM, cToM, AIS, and MOR equally available to any market participant that wishes to subscribe to any of those products. The Exchange is not presently going to charge market participants any fees associated with these market data products. If, and when, the Exchange proposes to establish such fees, the Exchange will submit a proposed rule change under 19b–4.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[9] of the Act in general, and furthers the objectives of Section 6(b)(5)[10] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The ToM market data product is designed to promote just and equitable principles of trade by providing all subscribers with top of market data that includes the Exchange's best bid and offer, with aggregate size, and last sale information, based on order and quoting interest on the Exchange that should enable them to make informed decisions on trading on MIAX Emerald by using the ToM data to assess current market conditions that directly affect such decisions.

The cToM market data product is designed to promote just and equitable principles of trade by providing all subscribers with top of market data that includes similar information provide via ToM but for the Exchange's complex order Strategy Book[11] including the Exchange's best bid and offer for a complex strategy, with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange that should enable subscribers to make informed decisions on trading on MIAX Emerald by using the cToM data to assess current market conditions that directly affect such decisions.

The MOR market data product is designed to promote just and equitable principles of trade by providing all subscribers with limit order book data that should enable subscribers to make informed decisions on trading in MIAX Emerald options by using the MOR data to assess current market conditions that directly affect such decisions. The proposed market data product facilitates transactions in securities, removes impediments to and perfect the mechanisms of a free and open market and a national market system by enhancing the subscribers' ability to make decisions on trading strategy, and by providing data that should help bring about such decisions in a timely manner to the protection of investors and the public interest. The market data provided by MOR removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the MIAX Emerald market more transparent and accessible to market participants making routing decisions concerning their options orders. The MOR market data product is also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other exchanges and will enable MIAX Emerald to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

The AIS market data product is designed to promote just and equitable principles of trade by providing all subscribers with administrative information concerning product states and liquidity seeking events on the Exchange that should enable them to make informed decisions on trading in MIAX Emerald options by using the AIS data to assess current market conditions that directly affect such decisions. The proposed market data product facilitates transactions in securities, removes impediments to and perfect the mechanisms of a free and open market and a national market system by enhancing the subscribers' ability to make decisions on trading strategy, and by providing data that should help bring about such decisions in a timely manner to the protection of investors and the public interest. The market data provided by AIS removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the MIAX Emerald market more transparent and accessible to market participants making routing decisions concerning their options orders. The AIS market data product is also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other exchanges and will enable MIAX Emerald to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

The proposed ToM, cToM, AIS, and MOR market data products facilitate transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system by enhancing the subscriber's ability to make decisions on trading strategy and by providing data which should help bring about such decisions in a timely manner to the protection of investors and the public interest. The market data provided by ToM, cToM, AIS and MOR removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the MIAX Emerald market more transparent and accessible to market participants making routing decisions concerning their options orders. The Exchange notes that the data provided on each of these data products are

[5] For a complete description of the MIAX Options ToM data product, *see* Securities Exchange Act Release Nos. 69007 (February 28, 2013), 78 FR 14617 (March 6, 2013) (SR–MIAX–2013–05); 69518 (May 6, 2013), 78 FR 27462 (May 10, 2013) (SR–MIAX–2013–18); 73395 (October 21, 2014), 79 FR 63979 (October 27, 2014) (SR–MIAX–2014–53).

[6] *See* Securities Exchange Act Release No. 79146 (October 24, 2016), 81 FR 75171 (October 28, 2016) (SR–MIAX–2016–36).

[7] *See* Securities Exchange Act Release Nos. 69320 (April 5, 2013), 78 FR 21661 (April 11, 2013) (SR–MIAX–2013–13); 82740 (February 20, 2018), 83 FR 8304 (February 26, 2018) (SR–MIAX–2018–04).

[8] For a complete description of the MOR data product, *see* Securities Exchange Act Release No. 74759 (April 17, 2015), 80 FR 22749 (April 23, 2015) (SR–MIAX–2015–28).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

similar to and provide the same data as provided by data products of MIAX Options with respect to options traded on that exchange.[12] The Exchange believes that it is in the public interest to make similar information available with respect to options traded on MIAX Emerald.

The proposed ToM, cToM, AIS, and MOR market data products are also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other competing exchanges which are similar to MIAX Emerald [13] and will enable MIAX Emerald to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes that the new market data products will enhance competition in the U.S. options markets by providing users of MIAX Emerald market data products that are similar to that which are currently provided on other competing options exchanges.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Exchange states that waiver of the operative delay will enable the Exchange to make the ToM, cToM, AIS, and MOR market data products available to subscribers at the time of the launch of trading on the Exchange, which is scheduled for March 1, 2019.[18] The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest and hereby waives the 30-day operative delay and designates the proposal operative on March 1, 2019.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-EMERALD–2019–09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–EMERALD–2019–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. All submissions should refer to File Number SR–EMERALD–2019–09 and should be submitted on or before March 26, 2019.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Deputy Secretary.

[FR Doc. 2019–03881 Filed 3–4–19; 8:45 am]

BILLING CODE 8011–01–P

[12] *See supra* notes 5, 6, 7, and 8.

[13] Nasdaq GEMX, LLC (''GEMX'') is a maker-taker pricing model exchange similar to MIAX Emerald and has similar data products to ToM and MOR available to GEMX users, including the Nasdaq GEMX Top Quote Feed and Nasdaq GEMX Order Feed. *See* Nasdaq GEMX Options 7, Pricing Schedule, Section 7, Market Data.

[14] *Id.*

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] *See* Securities Exchange Act Release No. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (File No. 10–233) (order approving application of MIAX EMERALD, LLC for registration as a national securities exchange.)

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15882 and #15883; TEXAS Disaster Number TX–00513]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA—4416—DR), dated 02/25/2019.

Incident: Severe Storms and Floods.

Incident Period: 09/10/2018 through 11/02/2018.

DATES: Issued on 02/25/2019.

Physical Loan Application Deadline Date: 04/26/2019.

Economic Injury (EIDL) Loan Application Deadline Date: 11/25/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/25/2019, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Archer, Baylor, Brown, Burnet, Callahan, Comanche, Coryell, Dimmit, Edwards, Fannin, Franklin, Grimes, Haskell, Hill, Hopkins, Houston, Jones, Kimble, Kinney, Knox, Llano, Madison, Mason, McCulloch, Menard, Nolan, Real, San Saba, Sutton, Throckmorton, Travis, Uvalde, Val Verde.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 158826 and for economic injury is 158830.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2019–03915 Filed 3–4–19; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of modification of action.

SUMMARY: In accordance with the direction of the President, the U.S. Trade Representative (Trade Representative) has determined to modify the action being taken in this Section 301 investigation by postponing the date on which the rate of the additional duties will increase to 25 percent for the products of China covered by the September 2018 Action in this investigation. The rate of additional duty for the products covered by the September 2018 action will remain at 10 percent until further notice.

DATES: The rate of additional duty will remain at 10 percent with respect to products covered by the September 2018 action until further notice.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact Associate General Counsel Arthur Tsao, Assistant General Counsel Megan Grimball, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For questions on customs classification or implementation of additional duties on products covered by the September 2018 action, contact *traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. September 2018 Action

For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), and 83 FR 40823 (August 16, 2018).

In a notice published on September 21, 2018 (83 FR 47974), the Trade Representative, at the direction of the President, announced a determination to modify the action being taken in the investigation by imposing additional duties on products of China with an annual trade value of approximately $200 billion. The rate of additional duties initially was 10 percent. Those additional duties were effective starting on September 24, 2018, and currently are in effect. Under Annex B of the September 21 notice, the rate of additional duty was set to increase to 25 percent on January 1, 2019. In the September 21 notice, the Trade Representative stated that he would continue to consider the actions taken in this investigation, and if further modifications were appropriate, he would take into account the extensive public comments and testimony previously provided in response to the notices published on July 17, 2018 (83 FR 33608) and August 7, 2018 (83 FR 38760).

On September 28, 2018 (83 FR 49153), the Trade Representative issued a conforming amendment and modification of the September 21 action. The current notice refers to the September 21 action, as modified by the September 28 notice, as the ''September 2018 action.''

On December 19, 2018 (83 FR 65198), in accordance with the direction of the President, the Trade Representative determined to modify the September 2018 action by postponing until March 2, 2019, the increase in the rate of the additional duty to 25 percent. The Annex to the December 19 notice, which superseded Annex B to the September 21 notice, amended the HTSUS to reflect this postponement of the increase in the rate of duty applicable to the September 2018 action.

B. Determination To Further Modify September 2018 Action

The United States is engaging with China with the goal of obtaining the elimination of the acts, policies, and practices covered in the investigation. The leaders of the United States and China met on December 1, 2018, and agreed to hold negotiations on a range of issues, including those covered in this Section 301 investigation. *See https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-presidents-working-dinner-*

china/. Since the meeting on December 1, the United States and China have engaged in additional rounds of negotiation on these issues. In light of progress in discussions with China, on February 24, 2019, the President directed the Trade Representative to postpone the increase in tariffs scheduled for March 2, 2019.

Section 301(b) of the Trade Act of 1974, as amended (Trade Act), provides that the Trade Representative ''shall take all appropriate and feasible action authorized under [Section 301(c)] to obtain the elimination of [the] act, policy, or practice [under investigation].'' Section 307(a)(1) of the Trade Act authorizes the Trade Representative to modify or terminate any action being taken under Section 301, subject to the specific direction, if any, of the President if ''the burden or restriction on United States commerce . . . of the acts, policies, and practices, that are the subject of such action has increased or decreased, or such action is being taken under Section [301(b)] of this title and is no longer appropriate.'' In light of progress of the additional rounds of negotiations since December 2018, and at the direction of the President, the Trade Representative has determined that it no longer is appropriate for the rate of duty under the September 2018 action to increase to 25 percent on March 2, 2019, and that the rate of duty under the September 2018 action will remain at 10 percent until further notice.

The Trade Representative's decision to modify the September 2018 action takes into account the extensive public comments and testimony, as well as advice from advisory committees, concerning the actions proposed in the notices issued in advance of the September 2018 action (83 FR 33608 and 83 FR 38760). Those notices, among other things, requested comments on whether the rate of additional duties should be 10 percent or 25 percent. The Trade Representative's decision also reflects the advice of the interagency Section 301 Committee.

To effectuate the Trade Representative's decision, Annex B of the September 21 notice (83 FR 47974) and the Annex to the December 19 notice (83 FR 65198), hereby are rescinded. In accordance with Annex A of the September 21 notice, the rate of duty under the September 2018 action will remain at 10 percent until further notice.

Stephen P. Vaughn,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2019–03935 Filed 3–4–19; 8:45 am]

BILLING CODE 3290–F9–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Little Cottonwood Canyon, Salt Lake County, Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: FHWA on behalf of the Utah Department of Transportation (UDOT) published a Notice of Intent (NOI) in the **Federal Register** on March 9, 2018. FHWA on behalf of UDOT is issuing this notice to advise the public that UDOT intends to revise the scope of the analysis of the Little Cottonwood Canyon project based on new information collected from the public and agencies during the scoping process and development of the project need.

FOR FURTHER INFORMATION CONTACT: Brandon Weston, Environmental Services Director, UDOT—Environmental Services Division, 4501 South 2700 West, P.O. Box 141265, Salt Lake City, Utah 84114–1265; Telephone: (801) 965–4603; Email: *brandonweston@utah.gov*. John Thomas, PE, Little Cottonwood Canyon Project Manager, UDOT Region 2, 2010 South 2760 West, Salt Lake City, Utah 84104–4592; Telephone: (801) 550–2248; Email: *johnthomas@utah.gov*.

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated January 17, 2017, and executed by FHWA and UDOT.

On March 9, 2018, at FR Vol. 83, No. 47, page 10545, FHWA on behalf of UDOT issued a NOI for UDOT, as the lead agency under the National Environmental Policy Act (NEPA), to prepare an Environmental Impact Statement (EIS) for proposed improvements to SR–210, a two-lane roadway, in Little Cottonwood Canyon in Salt Lake County, Utah. The proposed project study area in the NOI extended from the intersection of SR–210 and SR–190/Fort Union Boulevard in Cottonwood Heights, Utah to the terminus of SR–210 in the town of Alta, Utah. The extent of the project study area has not changed with this revised NOI.

As part of the release of the NOI and the EIS process, UDOT invited public and agency comments during a scoping period from March 9 to May 4, 2018, which included a public scoping meeting on April 10, 2018. During the scoping period UDOT gathered information about the public and agency concerns and began development of the EIS by defining the purpose of and need for improvements to SR–210. After reviewing scoping comments and the need for the project, UDOT has revised the scope of the EIS to focus on the following: (1) Taking no action; (2) one or more alternatives involving multiple, combined actions, including:

- Transportation System Management (TSM);
- Enhancing safety and improving winter time mobility through avalanche mitigation;
- Enhancing safety, access, and mobility in the area through improved designated parking areas at existing U.S. Department of Agriculture (USDA) Forest Service trailheads; and
- Roadway improvements to SR–210 on Wasatch Boulevard from SR–190/Fort Union Boulevard to North Little Cottonwood Canyon Road; and (3) other alternatives if identified during the EIS process. Alternatives that do not meet the project purpose and need or that are otherwise not reasonable will not be carried forward for detailed consideration.

The project may require FHWA to appropriate National Forest System lands and transfer such lands to UDOT for highway use, pursuant to authority under 23 U.S.C. 317. The project may also require approvals by the USDA Forest Service, the U.S. Army Corps of Engineers, and/or other agencies. The USDA Forest Service, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, Utah Transit Authority, and Salt Lake City Department of Public Utilities have accepted UDOT's invitation to be cooperating agencies under the March 9, 2018 NOI and are expected to continue in this role with the revised scope.

Letters describing the revised scope and soliciting comments will be sent to appropriate Federal, state, and local agencies as well as to Native American tribes and to private organizations and citizens who have previously expressed, or who are known to have, an interest in this proposal. UDOT will hold a

public scoping meeting on April 9, 2019 from 4:00 p.m. to 8:00 p.m. at Cottonwood Heights City Hall, 2277 East Bengal Boulevard, Cottonwood Heights, Utah 84121 to provide information on the revised scope and to seek additional public and agency input. Public notices announcing the meeting will be published in the region. Information regarding this meeting and the project may also be obtained through a public website maintained by UDOT at *www.udot.utah.gov/littlecottonwoodeis*.

During the NEPA process, other public meetings will be held as appropriate to allow the public, as well as Federal, state, and local agencies, and tribes, to provide comments on the purpose of and need for the project, potential alternatives, and social, economic, and environmental issues of concern.

In addition, a public hearing will be held following the release of the Draft EIS. Public notice advertisements and direct mailings will notify interested parties of the time and place of the public meetings and the public hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Written comments or questions concerning this proposed action and the EIS should be directed to UDOT representatives at the mail or email addresses provided above by May 3, 2019. For additional information please visit the project website at *www.udot.utah.gov/littlecottonwoodeis*. Information requests or comments can also be provided by email to *littlecottonwoodeis@utah.gov*.

(Catalog of Federal and Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 27, 2019.

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2019–03957 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0012]

Deepwater Port License Application: Texas COLT LLC (Texas COLT)

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of application.

SUMMARY: The Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) announce they have received an application for the licensing of a deepwater port and that the application contains information sufficient to commence processing. This notice summarizes the applicant's plans and the procedures that will be followed in considering the application.

DATES: The Deepwater Port Act of 1974, as amended, requires at least one public hearing on this application to be held in the designated Adjacent Coastal State(s) not later than 240 days after publication of this notice, and a decision on the application not later than 90 days after the final public hearing(s).

ADDRESSES: The public docket for the Texas COLT deepwater port license application is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The license application is available for viewing at the *Regulations.gov* website: *http://www.regulations.gov* under docket number MARAD–2019–0012.

We encourage you to submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* If you submit your comments electronically, it is not necessary to also submit a hard copy. If you cannot submit material using *http://www.regulations.gov,* please contact either Mr. Ken Smith, USCG or Mr. Linden Houston, MARAD, as listed in the following **FOR FURTHER INFORMATION CONTACT** section of this document. This section provides alternate instructions for submitting written comments. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted. Anonymous comments will be accepted. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. The Federal Docket Management Facility's telephone number is 202–366–9317 or 202–366–9826, the fax number is 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Smith, U.S. Coast Guard, telephone: 202–372–1413, email: *Ken.A.Smith@uscg.mil,* or Mr. Linden Houston, Maritime Administration, telephone: 202–366–4839, email: *Linden.Houston@dot.gov*. For questions regarding viewing the Docket, call Docket Operations, telephone: 202–366–9317 or 202–366–9826.

SUPPLEMENTARY INFORMATION:

Receipt of Application

On February 4, 2019, MARAD and USCG received an application from Texas COLT for all Federal authorizations required for a license to own, construct, and operate a deepwater port for the export of oil as authorized by the Deepwater Port Act of 1974, as amended, 33 U.S.C. 1501 *et seq.* (the Act), and implemented under 33 Code of Federal Regulations (CFR) Parts 148, 149, and 150. After a coordinated completeness review by MARAD, the USCG, and other cooperating Federal agencies, the application is deemed complete and contains information sufficient to initiate processing.

Background

The Act defines a deepwater port as any fixed or floating manmade structure other than a vessel, or any group of such structures, that are located beyond State seaward boundaries and used or intended for use as a port or terminal for the transportation, storage, and further handling of oil or natural gas for transportation to, or from, any State. A deepwater port includes all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities that are proposed as part of a deepwater port to the extent they are located seaward of the high-water mark.

The Secretary of Transportation delegated to the Maritime Administrator authorities related to licensing deepwater ports (49 CFR 1.93(h)). Statutory and regulatory requirements for processing applications and licensing appear in 33 U.S.C. 1501 *et seq.* and 33 CFR part 148. Under delegations from, and agreements between, the Secretary of Transportation and the Secretary of Homeland Security, applications are jointly processed by MARAD and USCG. Each application is considered on its merits.

In accordance with 33 U.S.C. 1504(f) for all applications, MARAD and the USCG, working in cooperation with other involved Federal agencies and departments, shall comply with the requirements of the National

Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). The U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (USACE), the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Pipeline and Hazardous Materials Safety Administration (PHMSA), among others, participate in the processing of deepwater port applications and assist in the NEPA process as described in 40 CFR 1501.6. Each agency may participate in scoping and/or other public meeting(s); and may incorporate the MARAD/USCG environmental impact review for purposes of their jurisdictional permitting processes, to the extent applicable. Comments related to this deepwater port application addressed to the EPA, USACE, or other federal agencies should note the federal docket number, MARAD–2019–0012. Each comment will be incorporated into the Department of Transportation (DOT) docket and considered as the environmental impact analysis is developed to ensure consistency with the NEPA process.

All connected actions, permits, approvals and authorizations will be considered during the processing of the Texas COLT deepwater port license application.

MARAD, in issuing this Notice of Application pursuant to 33 U.S.C. 1504(c), must designate as an ''Adjacent Coastal State'' any coastal state which (A) would be directly connected by pipeline to a deepwater port as proposed in an application, or (B) would be located within 15 nautical miles of any such proposed deepwater port (see 33 U.S.C. 1508(a)(1)). Pursuant to the criteria provided in the Act, Texas is the designated Adjacent Coastal State for this application. Other states may request from the Maritime Administrator designation as an Adjacent Coastal State in accordance with 33 U.S.C. 1508(a)(2).

The Act directs that at least one public hearing take place in each Adjacent Coastal State, in this case, Texas. Additional public meetings may be conducted to solicit comments for the environmental analysis to include public scoping meetings, or meetings to discuss the Draft and Final environmental impact documents prepared in accordance with NEPA.

MARAD, in coordination with the USCG, will publish additional **Federal Register** notices with information regarding these public meeting(s) and hearing(s) and other procedural milestones, including the NEPA environmental impact review. The Maritime Administrator's decision, and other key documents, will be filed in the public docket for the application at docket number MARAD–2019–0012.

The Deepwater Port Act imposes a strict timeline for processing an application. When MARAD and USCG determine that an application is complete (*i.e.,* contains information sufficient to commence processing), the Act directs that all public hearings on the application be concluded within 240 days from the date the Notice of Application is published.

Within 45 days after the final hearing, the Governor of the Adjacent Costal State, in this case the Governor of Texas, may notify MARAD of their approval, approval with conditions, or disapproval of the application. If such approval, approval with conditions, or disapproval is not provided to the Maritime Administrator by that time, approval shall be conclusively presumed. MARAD may not issue a license without the explicit or presumptive approval of the Governor of the Adjacent Coastal State. During this 45-day period, the Governor may also notify MARAD of inconsistencies between the application and State programs relating to environmental protection, land and water use, and coastal zone management. In this case, MARAD may condition the license to make it consistent with such state programs (33 U.S.C. 1508(b)(1)). MARAD will not consider written approvals or disapprovals of the application from the Governor of the Adjacent Coastal State until after the final public hearing is complete and the 45-day period commences.

The Maritime Administrator must render a decision on the application within 90 days after the final hearing.

In accordance with section 33 U.S.C. 1504(d), MARAD is required to designate an application area for a deepwater port application intended to transport oil. Section 1504(d)(2) provides MARAD the discretion to establish a reasonable application area constituting the geographic area in which only one deepwater port may be constructed and operated. MARAD has consulted with USCG in developing Texas COLT's application area and designates an application area encompassing the deepwater port that is a circle having a radius of no less than three and one-half (3.50) nautical miles centered at Texas COLT's proposed platform, latitude N 28° 26′43.2″ and longitude W 95°18′00.4″ and 0.25 nautical miles on either side of Texas COLT's proposed pipeline route between the terminal and the shore. Any person interested in applying for the ownership, construction, and operation of a deepwater port within this designated application area must file with MARAD (see **FOR FURTHER INFORMATION CONTACT**) a notice of intent to file an application for the construction and operation of a deepwater port not later than 60 days after the date of publication of this notice, and shall submit a completed application no later than 90 days after publication of this notice.

Should a favorable record of decision be rendered and license be issued, MARAD may include specific conditions related to design, construction, operations, environmental permitting, monitoring and mitigations, and financial responsibilities. If a license is issued, USCG in coordination with other agencies as appropriate, would review and approve the deepwater port's engineering, design, and construction; operations/security procedures; waterways management and regulated navigation areas; maritime safety and security requirements; risk assessment; and compliance with domestic and international laws and regulations for vessels that may call on the port. The deepwater port would be designed, constructed and operated in accordance with applicable codes and standards.

In addition, installation of pipelines and other structures may require permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, which are administered by the USACE.

Permits from the EPA may also be required pursuant to the provisions of the Clean Air Act, as amended, and the Clean Water Act, as amended.

Summary of the Application

Texas COLT is proposing to construct, own, and operate a deepwater port terminal in the Gulf of Mexico to export domestically produced crude oil. Use of the DWP would include the loading of various grades of crude oil at flow rates of up to 85,000 barrels per hour (bph). At full operating capacity, twenty-three Very Large Crude Carrier (VLCC) vessels (or equivalent volumes) would be loaded per month from the proposed deepwater port. VLCCs can carry cargos of approximately 2 million barrels of oil. Loading of one VLCC vessel is expected to take 24 hours.

The overall project would consist of offshore and marine components as well as onshore components as described below.

The COLT deepwater port offshore and marine components would consist of the following:

- Texas COLT Offshore Manned Platform and Control Center: One (1) fixed offshore platform with piles in Brazos Area Outer Continental Shelf lease block 466, approximately 27.8 nautical miles off the coast of Brazoria County, Texas in a water depth of approximately 110 feet. The fixed offshore platform would be comprised of several decks including: A sump deck and a cellar deck. The cellar deck will have a supporting pig trap, leak detection meter, control valve, oil relief (Holding) tank, and associated equipment, complete with living quarters, control room and a helideck.
- One (1) 42-inch outside diameter, 27.8-nautical-mile long crude oil pipeline would be constructed from the shoreline crossing in Brazoria County, Texas, to the COLT deepwater port for crude oil delivery. This pipeline would connect the Texas COLT Onshore Delivery Pipeline to the offshore Texas COLT deepwater port platform.
- The platform is connected to VLCC tankers for loading by two (2) 42-inch outside diameter departing pipelines. Each pipeline will depart the offshore platform, carrying the oil to a Pipeline End Manifold (PLEM) in approximately 110 feet water depth located one nautical mile from the offshore platform. Each PLEM is then connected through two 24-inch underbuoy hoses to a Single Point Mooring (SPM) Buoy. Two 24-inch floating loading hoses will connect the SPM Buoy to the VLCC.

The Texas COLT deepwater port onshore storage and supply components would consist of the following:

- Texas COLT Onshore Storage Terminal: The proposed Onshore Storage Terminal would be located in Brazoria County, Texas, on approximately 245 acres of land consisting of twenty-five (25) above ground storage tanks, each with a working storage capacity of 600,000 barrels, for a total onshore storage capacity of approximately 15 million barrels. The Texas COLT Onshore Storage Terminal also would include: Eight (8) 2,500-hp vertical product pumps; six (6) 750-hp vertical recirculation pumps; two (2) receiving manifolds; one (1) product metering station; two (2) motor control centers; nine (9) auxiliary electrical control buildings in the storage tank area; one (1) administrative building and onshore operations control center and one (1) 15,000 square foot warehouse building.
- Texas COLT Pump Station: The Texas COLT Pump Station will be at the Texas COLT Onshore Storage Terminal site and will be comprised of twelve, 7,000 horsepower (hp) pumps (two banks of six pumps including two total spare pumps). The Texas COLT Pump Station will boost the system pressure to a maximum flow rate of 85,000 barrels per hour.
- Four onshore crude oil pipelines and affiliated facilities would be constructed onshore to support the Texas COLT deepwater port and include the following items:
  - Genoa Pipeline: One (1) 60-mile-long 24-inch crude oil pipeline from Genoa Junction to the proposed Texas COLT Onshore Storage Terminal. This pipeline would be located in Harris County, Galveston County and Brazoria County, Texas. Additional components include six Mainline Emergency Flow Restriction Device (EFRD) valves along the pipeline to facilitate shutdowns as needed, two meter stations (Kurland Station and Texas COLT Terminal Metering Station), two pump stations (Kurland Pump Station and Rosharon Pump Station), launcher traps and receiver traps, transfer meter, and surge relief.
  - Gray Oak Connector Pipeline: One (1) 28-mile-long, 30-inch inbound pipeline in Brazoria County, Texas from Sweeny Junction to the Texas COLT Onshore Terminal. Additional components include one pump station (Texas COLT Sweeny Junction Pump Station), and Mainline EFRD valves to facilitate shutdowns as needed, as well as a launcher trap, receiver trap, transfer meter, and surge relief.
  - Onshore Delivery Pipeline: One (1) 8 mile, 42-inch outbound pipeline in Brazoria County, Texas from the Texas COLT Onshore Storage Terminal to the Texas COLT Offshore Delivery Pipeline. Additional components include three Mainline EFRD Valves along the pipeline to facilitate shutdowns as needed.
  - Seaway Pipeline Connection: One (1) 1 mile bi-directional, 30-inch diameter pipeline and associated facilities in Brazoria County, Texas between the Seaway Jones Creek Crude Oil Terminal and the Texas COLT Onshore Storage Terminal. The Texas COLT Seaway Pipeline Connection will primarily receive crude oil from the Seaway Jones Creek Crude Oil Terminal. Additional components include EFRD Valves to facilitate shutdowns as needed, launcher trap, receiver trap, transfer meter, and surge relief.

Crude oil will be delivered to the Texas COLT Onshore Storage Terminal from existing sources via the Texas COLT Gray Oak Connector Pipeline, Texas COLT Genoa Pipeline, and Texas COLT Seaway Pipeline Connection. Crude oil will be delivered to the Texas COLT Offshore Manned Platform and Control Center via the Texas COLT Onshore Delivery Pipeline and continuing through the Texas COLT Offshore Delivery Pipeline. The Texas COLT Deepwater Port will transfer the crude oil to VLCCs through two separate SPM Buoy systems. VLCCs will moor to the SPM Buoys with support from assist vessels.

Privacy Act

DOT posts comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 33 U.S.C. 1501, *et seq.;* 49 CFR 1.93(h) * * *.

Dated: February 28, 2019.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2019–03902 Filed 3–4–19; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, March 18, 2019 and Tuesday, March 19, 2019.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section

10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Monday, March 18, 2019, from 1:00 p.m. to 5:00 p.m. Eastern Time and Tuesday, March 19, 2019, from 8:00 a.m. until 5:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: February 26, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–03914 Filed 3–4–19; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee.

AGENCY: Internal Revenue Service (IRS) Treasury

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, March 18, 2019 and Tuesday, March 19, 2019.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Monday, March 18, 2019, from 1:00 p.m. to 5:00 p.m. Eastern Time and Tuesday, March 19, 2019, from 8:00 a.m. until 5:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: February 26, 2019.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2019–03913 Filed 3–4–19; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 21, 2019 on ''An Emerging China-Russia Axis? Implications for the United States in an Era of Strategic Competition.''

DATES: The hearing is scheduled for Thursday, March 21, 2019 at 9:00 a.m.

ADDRESSES: TBD, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale Reagan, 444 North Capitol Street NW, Suite 602, Washington DC 20001; telephone: 202–624–1496, or via email at *lreagan@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the third public hearing the Commission will hold during its 2019 report cycle. This hearing will explore the China-Russia relationship and its implications for U.S. national security interests. The first panel will examine areas of strategic, military, and economic cooperation between China and Russia, and the second panel will assess the potential limits and barriers to cooperation in these areas. The third panel examines current and future China-Russia interaction in Central Asia, the Middle East, and the Arctic. The hearing will be co-chaired by Chairman Carolyn Bartholomew and Commissioner Roy Kamphausen. Any interested party may file a written statement by March 21, 2019, by mailing to the contact above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: February 27, 2019.

Daniel W. Peck,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2019–03868 Filed 3–4–19; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0377]

Agency Information Collection Activity: Claim for Repurchase of Loan

AGENCY: Loan Guaranty Service, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Loan Guaranty Service, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 6, 2019.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue

NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0377'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Claim for Repurchase of Loan.

OMB Control Number: 2900–0377.

Type of Review: Extension of a currently approved collection.

Abstract: Under 38 CFR 36.4600(d), the holder of a delinquent vendee account is legally entitled to repurchase of the loan by VA when the loan has been continuously in default for 3 months and the amount of the delinquency equals or exceeds the sum of 2 monthly installments. When requesting the repurchase of a loan, the holder uses VA Form 26–8084. Upon receipt of a holder's VA Form 26–8084, the supporting documents are examined to see that all of the documents required have been submitted and that they are sufficient to complete the repurchase. VA Form 26–8084 is compared with the settlement sheet prepared when the loan was sold and examined closely to establish that there are no errors in the holder's methods of computation for repurchase. Following repurchase by VA, the obligor(s) are notified in writing that VA has repurchased the loan, and the vendee account is serviced and maintained by VA thereafter.

Affected Public: Individuals and households.

Estimated Annual Burden: 5 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 10.

By direction of the Secretary.

Danny S. Green,

Interim VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2019–03880 Filed 3–4–19; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 84 Tuesday,
No. 43 March 5, 2019

Part II

The President

Notice of March 4, 2019—Continuation of the National Emergency With Respect to Ukraine
Notice of March 4, 2019—Continuation of the National Emergency With Respect to Zimbabwe

Federal Register
Vol. 84, No. 43
Tuesday, March 5, 2019

Presidential Documents

Title 3—

The President

Notice of March 4, 2019

Continuation of the National Emergency With Respect to Ukraine

On March 6, 2014, by Executive Order 13660, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of persons that undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

On March 16, 2014, the President issued Executive Order 13661, which expanded the scope of the national emergency declared in Executive Order 13660, and found that the actions and policies of the Government of the Russian Federation with respect to Ukraine undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

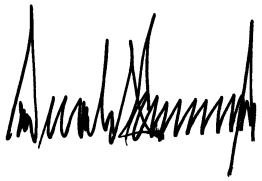
On March 20, 2014, the President issued Executive Order 13662, which further expanded the scope of the national emergency declared in Executive Order 13660, as expanded in scope in Executive Order 13661, and found that the actions and policies of the Government of the Russian Federation, including its purported annexation of Crimea and its use of force in Ukraine, continue to undermine democratic processes and institutions in Ukraine; threaten its peace, security, stability, sovereignty, and territorial integrity; and contribute to the misappropriation of its assets.

On December 19, 2014, the President issued Executive Order 13685, to take additional steps to address the Russian occupation of the Crimea region of Ukraine.

On September 20, 2018, the President issued Executive Order 13849, to take additional steps to implement certain statutory sanctions with respect to the Russian Federation.

The actions and policies addressed in these Executive Orders continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on March 6, 2014, and the measures adopted on that date, on March 16, 2014, on March 20, 2014, on December 19, 2014, and on September 20, 2018, to deal with that emergency, must continue in effect beyond March 6, 2019. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13660.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 4, 2019.

[FR Doc. 2019–04120
Filed 3–4–19; 1:00 pm]
Billing code 3295–F9–P

Presidential Documents

Notice of March 4, 2019

Continuation of the National Emergency With Respect to Zimbabwe

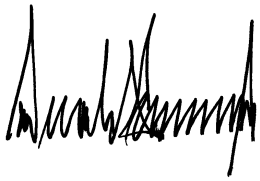
On March 6, 2003, by Executive Order 13288, the President declared a national emergency and blocked the property of certain persons, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions. These actions and policies had contributed to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region.

On November 22, 2005, the President issued Executive Order 13391 to take additional steps with respect to the national emergency declared in Executive Order 13288 by ordering the blocking of the property of additional persons undermining democratic processes or institutions in Zimbabwe.

On July 25, 2008, the President issued Executive Order 13469, which expanded the scope of the national emergency declared in Executive Order 13288 and authorized the blocking of the property of additional persons undermining democratic processes or institutions in Zimbabwe.

The actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, the national emergency declared on March 6, 2003, and the measures adopted on that date, on November 22, 2005, and on July 25, 2008, to deal with that emergency, must continue in effect beyond March 6, 2019. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13288.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 4, 2019.

[FR Doc. 2019–04124
Filed 3–4–19; 1:00 pm]
Billing code 3295–F9–P

Reader Aids

Federal Register

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